

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR-5.5 zone to an R-O zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for 6707 Loch Raven Boulevard

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

RECEIVED
BALTIMORE COUNTY
MAR 2 10 25 AM '81
COUNTY BOARD OF APPEALS
BY: 2/22

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
Charles E. Brooks
(Type or Print Name)
Signature _____
610 Bosley Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 296-2600
Address _____
Phone No. _____

Legal Owner(s): _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
N/A
Name
Address _____
Phone No. _____

BABC-Form 1

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

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and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

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Charles E. Brooks
(Type or Print Name)
Signature _____
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Towson, Maryland 21204
City and State
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Name, address and phone number of legal owner, contract purchaser or representative to be contacted
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and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

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(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
Charles E. Brooks
(Type or Print Name)
Signature _____
610 Bosley Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 296-2600
Address _____
Phone No. _____

Legal Owner(s): _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
N/A
Name
Address _____
Phone No. _____

BABC-Form 1

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 29, 1981

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman
Nicholas B. Commodari

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Charles E. Brooks, Esquire
610 Bosley Avenue
Towson, Maryland 21204

RE: Item No.8 (Cycle 1 - April-Oct. 1981)
Petitioner - Arthur F. Gnuu, et al
Reclassification and
Redistricting Petition

Dear Mr. Brooks:

This reclassification and redistricting petition has been timely filed with the Board of Appeals for a public hearing within the 1st 1980-81 zoning cycle.

The petition has been reviewed by the Zoning Office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee.

The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgement as to their accuracy and submit the necessary amendments to this office before May 29th. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

This petition represents a request to rezone five properties located on the east side of Loch Raven Blvd. north of Sayward Road in the 9th Election District. The properties are each improved with a large stone individual dwelling, while property to the north is zoned B.L. and is improved with a former restaurant and associated parking facilities. To the west across Loch Raven Blvd. is vacant property zoned O-1 and D.R.5.5.

As originally submitted, the request was to rezone these properties from their existing D.R.5.5 zone to an R-O zone. However, after further investigation, it was decided that the northerly portion of the subject property, indicated as owned by Arthur F. Gnuu, et ux and formerly used

Item No.8 (Cycle 1 - April-Oct. 1981)
Petitioner - Arthur F. Gnuu, et al
Reclassification and
Redistricting Petition

as a parking area for the vacant restaurant, should be rezoned to a B.L. - C.C.C. in order to avoid any problems in the future when the anticipated redevelopment of this property begins. Revised site plans and descriptions have been submitted to reflect this change and the petition forms signed by Arthur F. Gnuu, et ux have been revised. However, as we discussed, amended briefs explaining the reasons for the proposed commercial zoning, would be forthcoming.

If you have any questions concerning the enclosed comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between September and December of 1981, will be forwarded to you in the future.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

ENCLOSURES

cc: Development Design Group, Ltd.

216 Washington Avenue
Towson, Maryland 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

April 1, 1981

Mr. Walter A. Reiter, Jr.
Chairman, Board of Appeals
Court House
Towson, Maryland 21204

Re: Item #8 (Cycle 1 - April-October 1981)
Property Owner: Arthur F. Gnuu, Et al
R/S Loch Raven Blvd. 180' N. of Sayward Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: R-O
Acres: 6.41 District: 9th

Dear Mr. Reiter,

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

This property comprises Lots 1 through 13 of the plat "Property of Arthur Gnuu, Loch Knoll Manor", recorded J.W.B. 14, Folio 21.

Comments were supplied in connection with the Zoning Advisory Committee review of a portion of this overall property for Item #101 (1971-1972).

Highways:

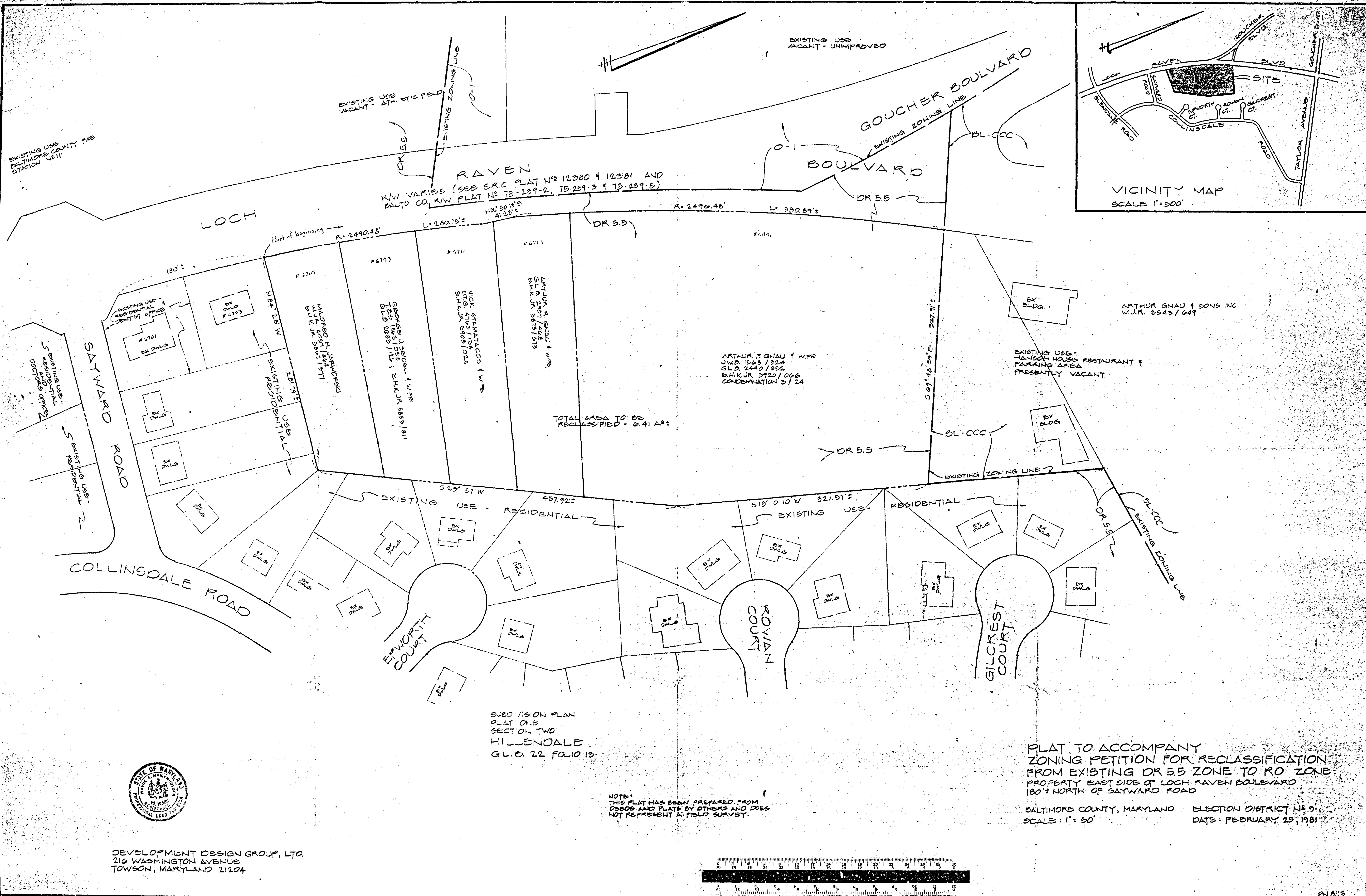
Loch Raven Boulevard (Md. 542) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Entrance locations are also subject to the approval of the Baltimore County Department of Traffic Engineering.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

APR 23 1981



E. Hennegar

R-32-68

Arthur F. Ganu, et al

v.

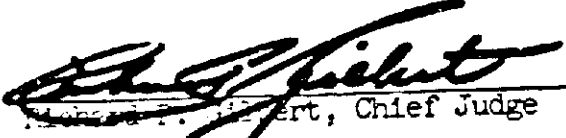
People's Counsel of
Baltimore County

* IN THE
* COURT OF SPECIAL APPEALS
* OF MARYLAND
* No. 733, September Term, 1984

ORDER

This case coming on for hearing and the parties being agreed that the matter is now moot, it is this 13 day of January, 1985, ORDERED, that the case be, and is hereby, dismissed.




Robert M. Bell, Chief Judge


Theodore G. Bloom, Judge


Robert M. Bell, Judge

RECEIVED
COUNTY BOARD OF APPEALS
JAN 18 4 10:06

Item 88 (Cycle I - April-October 1981)
Property Owner: Arthur F. Gnu, Et al
Page 2
April 1, 1981

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

There is a public 24-inch water main in Loch Raven Boulevard, and there is 8-inch public sanitary sewerage within Baltimore County utility easements, which serve the present improvements.

Additional fire hydrant protection is required in this vicinity.

Very truly yours,

Robert A. Morton
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:ess

cc: Jack Wimbley
William Munchel

N-W Key Sheet
31 & 32 NE 7 & 8 Pos. Sheets
NE 88 Topo
70 & 80 Tax Maps

Attachment

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

N-W Key Sheet
31 & 32 NE 8 Position Chgs.
NE 88 Topo
70 Tax Map

To: S. Eric DiMenna
ATTN: Oliver L. Myers

Date: January 5, 1972

FROM: Ellen M. N. Dwyer, P.E.

SUBJECT: Item #101 (1971-1972)

Property Owner: Arthur F. Gnu and Estelle E. Gnu
Rear of 5211 Loch Raven Boulevard
Present Zoning: R-0
Proposed Zoning: Special Exception for service garage
District: 9th
No. Acres: 0.922

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Loch Raven Boulevard (Md. 542) is a State Road; therefore, all improvements, intersections and entrances on this road will be subject to State Highway Administration requirements.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Loch Raven Boulevard (Md. 542) is a State Road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the State Highway Administration.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are available to serve this property.

Ellsworth N. Dwyer
ELLSWORTH N. DWYER, P.E.
Chief, Bureau of Engineering

END:EAM:PLP:ess



Maryland Department of Transportation

State Highway Administration

James J. O'Donnell
Secretary
M. S. Caltrider
Administrator

March 26, 1981

Mr. Walter Reiter,
Chairman Board of Appeals
County Office Bldg.
Towson Maryland 21204

Att: N. Commodari

Re: Cycle I-1981
Meeting of March 16, 1981
Item #8
Owner: Arthur F. Gnu,
Location: E/S Loch Raven
Blvd Rte 542, 180' N. of
Sayward Road
Existing Zoning: D.R. 5.5
Proposed Zoning: R-0
Acres: 6.41 Acres
District 9th

Dear Mr. Commodari,

On review of the plan of February 25, 1981, and field inspection, the State Highway Administration will require all entrances to meet minimum state standards.

This may require some entrance's to be widened and others to construct in common.

Very truly yours,

Charles Lee, Chief
Bureau of Engr. Access Permits

George Wittman
by: George Wittman

CL-GW/es

My telephone number is 301-659-1350

P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

April 2, 1981

Mr. Walter Reiter, Chairman
Board of Appeals
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Cycle I, #8, Zoning Advisory Committee Meeting of March 16, 1981, are as follows:

Property Owner: Arthur F. Gnu, Et al
Location: E/S Loch Raven Blvd. 180' N. of Sayward Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: R-0
Acres: 6.41 Acres
District: 9th

The properties known as 6707, 6709, 6711, 6713 Loch Raven Boulevard are served by metropolitan water and sewer.

The property known as 6801 Loch Raven Boulevard is served by metropolitan water and a private sewage disposal system which appears to be functioning properly. Metropolitan sewer is not available to serve the property. If the proposed offices will involve heavy water usage, metropolitan sewer must be extended to serve the property and the existing septic system abandoned and backfilled.

The zoning plan as submitted, does not contain sufficient information; therefore, the Baltimore County Department of Health cannot make complete comments.

Very truly yours,

Jan J. Forrest
JAN J. FORREST, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF:mgt



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. REINCKE
CHIEF

J March 19, 1981

Mr. William Hammond cc: Walter Reiter
Zoning Commissioner Chairman of Board of Appeals
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Arthur F. Gnu, ET. al

Location: E/S Loch Raven Blvd. 180' N. of Sayward Road

Item No.: 8 Zoning Agenda: Meeting of March 16, 1981

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Hydrants at 300 foot intervals

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

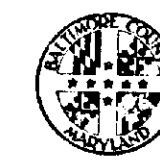
XX) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: *John J. Forrest* Noted and Approved: *Charles E. Burnham*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

April 14, 1981

Mr. Walter A. Reiter, Jr., Chairman
Board of Appeals
Room 219 - Court House
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Item #8, Zoning Cycle I, April, 1981, are as follows:

Property Owner: Arthur F. Gnu, et al
Location: E/S Loch Raven Blvd. 180' N. of Sayward Road
Existing Zoning: D.R. 5.5
Proposed Zoning: R-0
Acres: 6.41 acres
District: 9th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

If the petition is granted to reclassify the property to R-0, the owner must comply with Section 203 of the Zoning Regulations. Section 203.5 requires a development plan be approved by the Baltimore County Planning Board before any development or use may be changed.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Walter Reiter
Board of Appeals Chairman Date: March 27, 1981

FROM: Mr. Charles E. Burnham
Plans Review Chief - Permits and Licenses

SUBJECT: Cycle I - 1981

RE: Cycle Zoning March 24, 1981

PROPERTY OWNER: Arthur F. Gnu, et al
LOCATION: E/S Loch Raven Blvd. 180' N. of Sayward Road
EXISTING ZONING: D.R. 5.5
PROPOSED ZONING: R-0
ACRES: 6.41 Acres
DISTRICT: 9th

ITEM NO. 8

Each existing structure, if it is to be occupied for a use other than an existing dwelling, shall be required to apply for a change of use to the proposed new use (from Residential R-4 to "B" Business) and also an alteration permit to upgrade the residential structure to commercial use Code requirements. If the structure cannot meet the height and area requirements of Table 305 it is quite possible the change in use will be denied. The owners are advised to consult with an architect familiar with the Baltimore County Building Code to prevent possible unexpected expenditure.

Section 105.2, Section 204.2, Section 106.7 will be of assistance to the professional.

NOTE: All comments are based on data provided on site plan and data provided by the Zoning Advisory Committee. Comments in many cases cannot be more specific or advisory due to the limited information.

Charles E. Burnham
Charles E. Burnham
Plans Review Chief

CEB:rrj

CC: Nick Commodari

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: March 23, 1981

Mr. Walter Reiter
Chairman, Board of Appeals
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Zoning Cycle #1 March 16, 1981

RE: Item No: 8
Property Owner: Arthur F. Gnau, Et al
Location: E/S Loch Raven Blvd. 180' N. of Sayward Rd.
Present Zoning: D.R. 5.5
Proposed Zoning: R-O

School Situation	School	Enrollment	Capacity	Over/Under

Comment: Would not add to student population.

Student Yield With:	Existing Zoning	And	Proposed Zoning
Elementary			
Junior High			
Senior High			

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

IN THE COURT OF SPECIAL APPEALS OF MARYLAND

SEPTEMBER TERM, 1984

NO. 733

ARTHUR F. GNAU, ET AL.,
Appellants,
v.
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY,
Appellee.

APPEAL FROM THE CIRCUIT COURT
FOR BALTIMORE COUNTY
(EDWARD A. DEWATERS, Judge)

MOTION TO DISMISS AND STATEMENT IN LIEU OF BRIEF

PHYLLIS COLE FRIEDMAN
People's Counsel for Baltimore County
PETER MAX ZIMMERMAN
Deputy People's Counsel
Room 2237 Court House
Towson, Maryland 21204
Attorneys for Appellee

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IN THE COURT OF SPECIAL APPEALS OF MARYLAND

SEPTEMBER TERM, 1984

NO. 733

ARTHUR F. GNAU, ET AL.,
Appellants,
v.
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY,
Appellee.

APPEAL FROM THE CIRCUIT COURT
FOR BALTIMORE COUNTY
(EDWARD A. DEWATERS, Judge)

MOTION TO DISMISS AND STATEMENT IN LIEU OF BRIEF

I. MOTION TO DISMISS

This appeal is moot and should be dismissed because the 1984 Baltimore County Countywide Comprehensive Zoning Ordinance supersedes all pending administrative and judicial decisions pertinent to zoning reclassification. On November 13, 1984, the County Council for Baltimore County enacted a series of comprehensive zoning ordinances, including Bill 136-84, designating the subject property .12 acres B.L. (Business Local) and 6.29 acres D.R. 5.5 (Density Residential - maximum 5.5 units per acre). The ordinance is effective forty-five (45) days after its enactment, on December 28, 1984, prior to the scheduled oral argument in this appeal.

APP. 1

BALTIMORE COUNTY CODE - 1978
PLANNING, ZONING AND SUBDIVISION CONTROL § 22-21

Sec. 22-21. Preparation of zoning regulations and zoning maps.

(a) The planning board shall from time to time recommend to the county council for adoption, zoning regulations and zoning maps, showing the boundaries of the proposed districts, divisions or zones into which the county is divided pursuant to this title.

(b) The planning board from time to time may also recommend for adoption amendments or supplements to such regulations and may at any time, with prior approval by an affirmative vote of the county council, review the existing zoning maps in effect throughout the county and recommend to the county council such comprehensive revisions thereof as the board may deem advisable in the light of changed conditions. Any legally adopted zoning map shall remain in effect until the county council shall have adopted a map or maps in substitution therefor. All such amendments or supplements to the zoning regulations and all such comprehensive revisions of the zoning maps shall be made in accordance with the same procedure herein specified for the original adoption of such regulations and maps. During the intervals between the comprehensive revisions of the zoning maps by the county council, petitions for reclassification, special exceptions and variances to the existing zoning maps shall be considered in the manner hereinafter in this title provided.

(c) After such zoning regulations and zoning maps have been approved by the planning board, it shall release a preliminary report thereon. Thereafter, and subject to the giving of at least twenty (20) days' public notice in two (2) newspapers of general circulation in the county, the planning board shall hold one or more public hearings on the proposed regulations, or maps, as the case may be. During the period of such notice the preliminary report of the planning board, with accompanying maps and exhibits, if any, shall be available for public inspection in the county office building. After such hearing or hearings have been held, the director of planning shall submit to the county council a report containing the final recommendations of the planning board with regard to the proposed zoning regulations, or maps, as the case may be, and, in the case of zoning maps, a copy of the final map as approved by the planning board shall be attached to such report. In the event of any disagreement among the members of the planning board as to any part of the proposed zoning regulations, the dissenting member or members (including nonvoting members) shall be entitled to file with the county council one or more minority reports stating the basis for their disagreement with the majority, which shall be included with the final report of the majority.

(d) Before December 1, 1970, the planning board shall recommend to the county council a complete county-wide zoning map (which may be a series of maps, portions of which may be approved separately), in accordance with the procedure set forth above. Within seven (7) days

559

APP. 3

§ 22-21 BALTIMORE COUNTY CODE - 1978

after such action, the director of planning shall transmit the proposed zoning map or portion thereof to the county council. Within the one-year period immediately preceding April 16, 1976, and within each one-year period immediately preceding April 16th of every fourth year thereafter, the planning board, after completely reviewing the zoning map then in effect, shall recommend to the county council a new or comprehensively revised version of such map. In accordance with the procedure set forth above. Within seven days after each such action, the director of planning shall transmit said proposed new or revised zoning map to the county council. The provisions of this subsection are mandatory and shall apply regardless of any optional actions taken under subsections (a), (b) or (c). (Bill No. 80, 1960; Bill No. 72, 1969, § 1; Bill No. 42, 1970, § 1; Balto. Co. Code, 1968, § 22-20)

Annotation—The county council may not prohibit the establishment of a particular type of business within the county unless such action is taken in accordance with this section 22-21 and the following section. Baltimore County v. American Oil Company et al., 246 Md. 715, 229 A. 2d 78 (1967).

Sec. 22-22. Action by county council on adoption of zoning regulations and zoning maps.

(a) After the county council has received a final report of the planning board recommending adoption of any zoning regulations or zoning maps, the county council shall hold one or more public hearings thereon, giving at least twenty (20) days' notice thereof in at least two (2) newspapers of general circulation in the county. During such twenty (20) day period, the final report of the planning board with accompanying maps and supporting exhibits, if any, together with any minority report and maps from any dissenting members of the planning board shall be shown and exhibited in the county office building, in each councilmanic district and at such other public place as the county council may designate for public inspection. After the expiration of such period of notice, and following the public hearing or hearings, the county council may by an ordinance adopt such regulations or maps subject, however, to such changes or amendments therein as the county council may deem appropriate.

(b) Any change or amendment to be made in a zoning map as proposed by the planning board shall, before final adoption of such map, be brought to further public hearing, advertised and held in the same manner as provided above in subsection (a). If further changes or amendments to such map shall then be proposed in the county council, a final public hearing, limited to such further changes or amendments, shall be advertised and held in the same manner as provided above before final action on such map is taken by the county council.

(c) Each change or amendment to be made in a zoning map as proposed by the planning board shall be voted upon individually by the county

560

- 3 -

Since Yorkdale, the appellate courts have followed this rule and applied to zoning controversies the law in effect at the time a case is decided. O'Donnell v. Bassler, 289 Md. 501, 425 A.2d 1003 (1981); County Council for Prince George's County v. Carl M. Freeman Assoc., Inc., 281 Md. 70, 376 A.2d 860, 863-64 (1977); Rockville Fuel & Feed Co. v. City of Gaithersburg, 266 Md. 117, 127, 291 A.2d 672, 677 (1972).

Accordingly, because there can be and is no dispute that the County Council has acted upon the subject property in the 1984 Comprehensive Zoning Process, and its legislative judgment is paramount over preceding administrative decisions and related judicial review, the Court of Special Appeals is bound to follow the 1984 legislation and apply Bill 136-84 in the present case.

Of course, any challenge to the 1984 legislation would require the filing of a new and subsequent petition for reclassification with the County Board of Appeals and would be handled in accordance with the customary administrative procedure. This would apply not only to the present case but also other cases similarly pending at the time of the enactment of the new maps.

II. STATEMENT IN LIEU OF BRIEF

Because this appeal is moot, the Court of Special Appeals ought not to consider or reach the merits of the challenge to the 1980 Comprehensive Zoning Map Legislation. For such issues to be considered, however, it should adopt the decision of Circuit Court Judge Edward A. DeWaters reversing the administrative decision to grant the petition filed with the County Board of Appeals. The reasons requiring that reversal were well stated by Judge DeWaters and deserve to be affirmed if this case is considered on the merits.

Huddles, seconded by Councilman O'Rourke this Resolution was unanimously approved.

9. Resolution No. 78-84 - IRB - Hunt Valley Motel Associates Ltd. Part. ship
10. Resolution No. 79-84 - IRB - Seymour Weiner, M.D., P.A.

Both of these IRB Resolutions were for introduction only at this meeting.

11. Resolution No. 80-84 - CDA Financing - The Paths at Loveton Farms

At the direction of the Chairman, the Secretary read this Resolution indicating that the County Council approves the use of land selected as the particular location for a community development project known as "The Paths at Loveton Farms". There being no discussion, upon motion by Councilman Smith, seconded by Councilman Gallagher, this Resolution was unanimously approved.

12. Resolution No. 81-84 - clarification of RO zones for residences

At the direction of the Chairman, the Secretary read the resolution requesting the Planning Board to consider amendments to the Baltimore County Zoning Regulations in order to clarify the method of conversion of existing residences to office buildings in the RO zones of the County. Councilwoman Bachur commented briefly on this Resolution. Thereafter, upon motion by Councilman Bachur, seconded by Councilman O'Rourke, this Resolution was unanimously approved.

13. Appointment - Telecommunications Advisory Panel

This appointment was discussed earlier in the meeting.

14. Resolution No. 82-84 - Mr. Hickernell - Lighthouse, Inc. - tax exemption

This Resolution was withdrawn prior to the meeting.

15. Resolution No. 83-84 - Messrs. Gallagher/O'Rourke/Smith/Huddles-RO Zones

At the direction of the Chairman, the Secretary read the resolution requesting the Planning Board to review individual doctors and dentists offices in RO zones as a matter of right. Councilmembers Hickernell, Gallagher and Huddles commented briefly on this Resolution. Thereafter, upon motion by Councilman Gallagher, seconded by Councilman O'Rourke, this Resolution was unanimously approved.

16. Resolution No. 84-84 - IRB - Wolk Press, Inc.

At the direction of the Chairman, the Secretary read this industrial revenue bond resolution for Wolk Press. Mr. Hannon and Rich Davis appeared. There being no discussion, upon motion by Councilman Huddles, seconded by Councilman O'Rourke, this Resolution was unanimously approved.

17. Retirement of Zoning Issues

Councilman Hickernell moved to retire the following issues from the Comprehensive Zoning Map Process:

1-1	1-6	1-14	1-27
1-2	1-8	1-19	1-28
1-3	1-9	1-20	1-33
1-4	1-10	1-21	1-37
1-5	1-11	1-22	1-42

Councilman Gallagher seconded the motion and the issues were retired by the following

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1984, Legislative Day No. 22

BILL NO. 135-84

Mr. Ronald B. Hickernell, Councilman
By Request of County Executive

By the County Council, November 5, 1984

A BILL
ENIT 10

AN ORDINANCE concerning the Comprehensive Zoning Maps - Fourth District
FOR the purpose of repealing certain existing zoning maps and to adopt an
official zoning map for the Fourth Councilmanic District of Baltimore
County, such map to be known as the 1984 Official Comprehensive Fourth
Councilmanic District Zoning Map for Baltimore County and to supersede
any previous zoning maps approved by the County Council of Baltimore
County for that particular district.

WHEREAS, under the provisions of Section 12-12, Baltimore County
Code, 1978, the County Council has received a final report of the
Planning Board on the Board's proposed County-wide Comprehensive Zoning
Map for Baltimore County and has held public hearings thereon after
giving at least 20 days' notice thereof in at least two newspapers of
general circulation throughout the County; and during the period of such
notice the final report of the Planning Board, with accompanying maps
and supporting exhibits, were shown and exhibited in the Office of
Planning and Zoning, in each Councilmanic District, and at such other
public places as designated by the County Council; and after the expiration
of such period of notice and hearings, the County Council made certain
changes in the Comprehensive Zoning Map for the Fourth Councilmanic
District of Baltimore County which the County Council deemed appropriate;
now, therefore

- SECTION 1. Be it ordained by the County Council of Baltimore County,
- Maryland, that the portion of the official zoning map of Baltimore
- County referred to in Section 100.2 of the Baltimore County Zoning
- Regulations and now in effect, including any amendments thereto and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Strike-out indicates matter stricken from bill.
Underlining indicates amendments to bill.

MS/AB

- declares that it would have ordained the remaining provisions of this ordinance
- and the remaining portions of said map without the provisions or portion or
- the application thereof so held invalid.
- SECTION 5. And be it further ordained, that this Ordinance shall take
- effect forty-five days after its enactment.

IN THE MATTER OF

MR. AND MRS. ARTHUR F. GNAU
6801 Loch Raven Boulevard
Baltimore, Maryland 21204

MR. AND MRS. ARTHUR R. GNAU
6713 Loch Raven Boulevard
Baltimore, Maryland 21239

MR. AND MRS. NICHOLAS STAMSTACOS
6711 Loch Raven Boulevard
Baltimore, Maryland 21239

MR. AND MRS. GEORGE SEIDEL, SR.
6709 Loch Raven Boulevard
Baltimore, Maryland 21239

MRS. MILDRED JAWORSKI
6707 Loch Raven Boulevard
Baltimore, Maryland 21239

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY,
* MARYLAND

AMENDED MEMORANDUM IN SUPPORT
OF PETITION FOR RECLASSIFICATION

NOW COME Mr. and Mrs. Arthur F. Gnaul, Mr. and Mrs. Arthur R. Gnaul, Mr. and Mrs. Nicholas Stamstacos, Mr. and Mrs. George Seidel, Sr. and Mrs. Mildred Jaworski, by Charles E. Brooks and the Law Offices of Charles E. Brooks, and for Amended Memorandum in Support of their Petition for Reclassification of their properties, say:

1. That, the County Council of Baltimore County and the County Executive of Baltimore County erred with the adoption of the County-wide zoning maps for Baltimore County on December 11, 1980 in failing to have the above-referenced properties reclassified from a DR 5.5 zone to an R-O zone and a portion thereof BL zone with a CCC District, in that they failed in their duties to recognize the numerous salient factors which, by having failed to designate the properties as R-O and a portion thereof BL with a CCC District and classifying the same as DR 5.5, has resulted in the taking of your Petitioners' properties without just and

LAW OFFICES
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MD. 21204
296-2600

IN THE MATTER OF

MR. AND MRS. ARTHUR F. GNAU
6801 Loch Raven Boulevard
Baltimore, Maryland 21204

MR. AND MRS. ARTHUR R. GNAU
6713 Loch Raven Boulevard
Baltimore, Maryland 21239

MR. AND MRS. NICHOLAS STAMSTACOS
6711 Loch Raven Boulevard
Baltimore, Maryland 21239

MR. AND MRS. GEORGE SEIDEL, SR.
6709 Loch Raven Boulevard
Baltimore, Maryland 21239

MRS. MILDRED JAWORSKI
6707 Loch Raven Boulevard
Baltimore, Maryland 21239

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY, MARYLAND

MEMORANDUM IN SUPPORT
OF PETITION FOR RECLASSIFICATION

NOW COMES Mr. and Mrs. Arthur F. Gnaul, Mr. and Mrs. Arthur R. Gnaul, Mr. and Mrs. Nicholas Stamstacos, Mr. and Mrs. George Seidel, Sr. and Mrs. Mildred Jaworski, by Charles E. Brooks and the Law Offices of Charles E. Brooks, and for Memorandum in Support of their Petition for Reclassification of their properties, says:

1. That, the County Council of Baltimore County and the County Executive of Baltimore County erred with the adoption of the County-wide zoning maps for Baltimore County on December 11, 1980 in failing to have the above-referenced properties reclassified from a DR 5.5 zone to an R-O zone, in that they failed in their duties to recognize the numerous salient factors which, by having failed to designate the properties as R-O and classifying the same as DR 5.5, has resulted in the taking of your Petitioners' properties without just and reasonable compensation in that the properties zoned DR 5.5 cannot be disposed of for their fair and reasonable market value.

LAW OFFICES
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MD. 21204
296-2600

reasonable compensation in that the properties zoned DR 5.5 cannot be disposed of for their fair and reasonable market value.

2. That, the subject properties are the only properties located on the east side of Loch Raven Boulevard from the Baltimore City line to Taylor Avenue which is not available for a use other than single-family housing.

3. That, at the time of the construction of your Petitioners' homes, the Loch Knoll community, which is delimited to the subject properties and other properties now used for commercial purposes, was a limited residential community surrounded by large open spaces which now have been developed for commercial, apartment or municipal uses. Loch Raven Boulevard, on which each of the subject properties front, at the time of their construction, was a two-lane highway, which, at best, was used for primarily residential travel but is now a seven-lane divided highway which has become a major arterial collector route.

4. That, at the time of the construction of the subject homes, the intersection of Taylor Avenue and Loch Raven Boulevard was used for very limited commercial functions centering around two dairy and ice cream parlors which intersection now is developed with four major shopping facilities consisting of literally tens of thousands of square feet of buildings used for commercial purposes to service, not only the local community, but shoppers from distant locations.

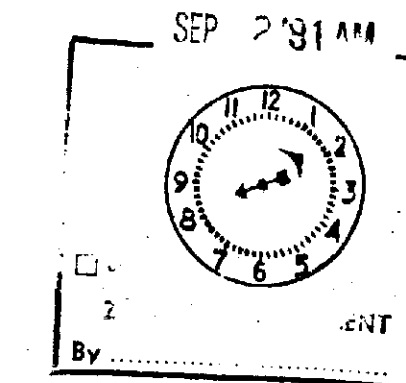
5. That, at the time of the adoption of the maps, that property located on the west side of Loch Raven Boulevard, immediately facing the subject properties, was zoned for mid- and high-rise apartments and an existing fire department facility, which use is not limited to normal business hours, but which is used 24 hours a day, 365 days a year.

RECEIVED
BALTIMORE COUNTY
MAY 7 12 23 PM '81
COUNTY BOARD
OF APPEALS
BY: _____

LAW OFFICES
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MD. 21204
296-2600

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
September 1, 1981



Charles E. Brooks, Esq.
610 Bosley Avenue
Towson, Md. 21204

Re: Item #8, Cycle 1
Arthur F. Gnaul, et al

Dear Mr. Brooks:

Your request for postponement of this case will be granted by the County Board of Appeals. However, since the applicable provisions of the Charter require that the case and the assigned hearing date be advertised, both in the newspaper and by posting, it will be necessary that we continue with this procedure. Further, to make certain that all requirements are met, it will be necessary that on the morning of the day upon which the case is assigned, the record be opened and the fact of the postponement and the grounds therefore be read into the record, and the postponement be formally granted.

Accordingly, it is requested that you, or someone representing you, appear on the morning of the scheduled date so that we can complete this formality, which is necessary for the Petitioner's protection. You need not, of course, be accompanied by either parties or witnesses for this purpose. In addition to making certain that all legal requirements with regard to the scheduling, advertising, notification, and opening of the record of the case are met, this procedure will also give the Board the opportunity to explain the facts concerning the postponement and the reasons therefore to any interested parties who appear on the scheduled day pursuant to the advertisement.

Very truly yours,

William T. Hackett, Jr.
William T. Hackett, Chairman

With:

cc: Arthur F. and Estelle E. Gnaul
Mildred Hilda Jaworski
George J. and Edith M. Seidel
Nick G. Stamstacos, et al
Arthur R. and Emma H. Gnaul

Gary C. Duval, Esq.
Mr. J. E. Dyer



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

Charles E. Brooks, Esquire
610 Bosley Avenue
Towson, Maryland

September 17, 1981

RE: Petition for Re-classification & Redistricting
E/s Loch Raven Blvd., 244' & 1037' N of center-
line of Sayward Road
Arthur F. Gnau, et ux - Petitioners
Case #R-82-68

Dear Mr. Brooks:

This is to advise you that \$117.75 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:kfr

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE & REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 100486

DATE 9/2/81 ACCOUNT 01-662

AMOUNT \$50.00

RECEIVED FROM Charles E. Brooks, Esquire
FOR Filing Fee for Case #82-68 - Cycle 1, Item 8

24241537 2 500.00

VALIDATION OR SIGNATURE OF CASHIER

6. That, the failure to establish these properties as an R-O zone and a portion thereof BL zone with a CCC District is further in error in that it would have not only provided a fair and reasonable use for the subject properties, it would have also created a buffer zone between Loch Raven Boulevard and its commercial uses and the DR 5.5 community which lies immediately contiguous to the subject properties in an easterly direction but which do not front and/or face the subject properties.

7. That, that sixty (60) foot wide portion of the property of Arthur F. Gnau and wife, Petitioners herein, which has heretofore contained a large macadam parking facility used in conjunction with an adjoining property, should have been retained and maintained in a BL zone with a CCC District.

AND such other and further reasons as shall be presented by testimony at the time of any hearing hereon.

Respectfully submitted,

Charles E. Brooks
Law Offices of Charles E. Brooks
610 Bosley Avenue
Towson, Maryland 21204
296-2600
Attorneys for Petitioners

-3-

Development Design Group, Ltd.

216 Washington Avenue
Towson, Maryland 21204

Richard B. Williams, President
Wayne E. Muisenholder
Land Surveyor

(301) 828-0727
February 26, 1981
Revised April 2, 1981

DESCRIPTION TO COMPANY ZONING PETITION
FOR RECLASSIFICATION FROM EXISTING
DR 5.5 ZONE TO R-O ZONE
PROPERTY EAST SIDE LOCH RAVEN BOULEVARD,
NORTH OF SAYWARD ROAD

Beginning for the same at a point on the east side of Loch Raven Boulevard, said point being distant 244.8 feet more or less northerly from the intersection formed by the east side of said Boulevard and the center line of Sayward Road and running thence binding along the east side of said Boulevard the three following courses viz: (1) northerly by a curve to the right having a radius of 2490.48 feet and a length of 280.75 feet more or less, (2) North 6°50'13" East 41.28 feet more or less and (3) northerly by a curve to the right having a radius of 2496.48 feet and a length of 470.44 feet more or less, thence leaving said Boulevard, (4) South 69°18'39" East 340.51 feet more or less, running thence and binding on part of the outline of the plat entitled "Subdivision Plan, Plat One Section Two Hillendale", said plat being recorded among the Plat Records of Baltimore County in Plat Book G.L.B. 22 folio 13, the three following courses viz: (5) South 15°10'10" West 261.34 feet more or less, (6) South 25°57' West 457.92 feet more or less, and (7) North 84°28' West 281.79 feet more or less to the place of beginning.

Containing 5.95 acres of land more or less.

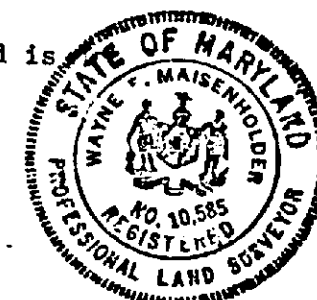
This description is prepared for zoning purposes only and is not representative of a field survey.

REVISED PLANS

APR 3 1981

ITEM #8

Cycle 1



LAW OFFICES
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MD. 21204
296-2600

IN THE MATTER OF * BEFORE THE
MR. AND MRS. ARTHUR F. GNAU * BOARD OF APPEALS
6801 Loch Raven Boulevard *
Baltimore, Maryland 21204 *
MR. AND MRS. ARTHUR R. GNAU * FOR
6713 Loch Raven Boulevard *
Baltimore, Maryland 21239 *
MR. AND MRS. NICHOLAS STAMSTACOS * BALTIMORE COUNTY,
6711 Loch Raven Boulevard * MARYLAND
Baltimore, Maryland 21239 *
MR. AND MRS. GEORGE SEIDEL, SR. *
6709 Loch Raven Boulevard *
Baltimore, Maryland 21239 *
MRS. MILDRED JAWORSKI *
6707 Loch Raven Boulevard *
Baltimore, Maryland 21239 *

AMENDED MEMORANDUM IN SUPPORT
OF PETITION FOR RECLASSIFICATION

NOW COME Mr. and Mrs. Arthur F. Gnau, Mr. and Mrs. Arthur R. Gnau, Mr. and Mrs. Nicholas Stamstacos, Mr. and Mrs. George Seidel, Sr. and Mrs. Mildred Jaworski, by Charles E. Brooks and the Law Offices of Charles E. Brooks, and for Amended Memorandum in Support of their Petition for Reclassification of their properties, say:

1. That, the County Council of Baltimore County and the County Executive of Baltimore County erred with the adoption of the County-wide zoning maps for Baltimore County on December 11, 1980 in failing to have the above-referenced properties reclassified from a DR 5.5 zone to an R-O zone and a portion thereof BL zone with a CCC District, in that they failed in their duties to recognize the numerous salient factors which, by having failed to designate the properties as R-O and a portion thereof BL with a CCC District and classifying the same as DR 5.5, has resulted in the taking of your Petitioners' properties without just and

reasonable compensation in that the properties zoned DR 5.5 cannot be disposed of for their fair and reasonable market value.

2. That, the subject properties are the only properties located on the east side of Loch Raven Boulevard from the Baltimore City line to Taylor Avenue which is not available for a use other than single-family housing.

3. That, at the time of the construction of your Petitioners' homes, the Loch Knoll community, which is delimited to the subject properties and other properties now used for commercial purposes, was a limited residential community surrounded by large open spaces which now have been developed for commercial, apartment or municipal uses. Loch Raven Boulevard, on which each of the subject properties front, at the time of their construction, was a two-lane highway, which, at best, was used for primarily residential travel but is now a seven-lane divided highway which has become a major arterial collector route.

4. That, at the time of the construction of the subject homes, the intersection of Taylor Avenue and Loch Raven Boulevard was used for very limited commercial functions centering around two dairy and ice cream parlors which intersection now is developed with four major shopping facilities consisting of literally tens of thousands of square feet of buildings used for commercial purposes to service, not only the local community, but shoppers from distant locations.

5. That, at the time of the adoption of the maps, that property located on the west side of Loch Raven Boulevard, immediately facing the subject properties, was zoned for mid- and high-rise apartments and an existing fire department facility, which use is not limited to normal business hours, but which is used 24 hours a day, 365 days a year.

-2-

PETITION FOR RECLASSIFICATION & REDISTRICTING

9th DISTRICT

ZONING: Petition for Re-classification and Redistricting
LOCATION: East side of Loch Raven Boulevard, 244 ft. & 1037 ft.
North of the centerline of Sayward Road
DATE & TIME: Thursday, October 1, 1981 at 10:00 A.M.
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland
The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:
Present Zoning: D.R. 5.5
Proposed Zoning: R.O. and B.L.-C.C.C. (district)
All that parcel of land in the Ninth District of Baltimore County

Being the property of Arthur F. Gnau, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, October 1, 1981 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204
September 1, 1981

Charles E. Brooks, Esq.
610 Bosley Avenue
Towson, Md. 21204

Re: Item #8, Cycle 1
Arthur F. Gnau, et al

Dear Mr. Brooks:

Your request for postponement of this case will be granted by the County Board of Appeals. However, since the applicable provisions of the Charter require that the case and the assigned hearing date be advertised, both in the newspaper and by posting, it will be necessary that we continue with this procedure. Further, to make certain that all requirements are met, it will be necessary that on the morning of the day upon which the case is assigned, the record be opened and the fact of the postponement and the grounds therefore be read into the record, and the postponement be formally granted.

Accordingly, it is requested that you, or someone representing you, appear on the morning of the scheduled date so that we can complete this formality, which is necessary for the Petitioner's protection. You need not, of course, be accompanied by either parties or witnesses for this purpose. In addition to making certain that all legal requirements with regard to the scheduling, advertising, notification, and opening the record of the case are met, this procedure will also give the Board the opportunity to explain the facts concerning the postponement and the reasons therefore to any interested parties who appear on the scheduled day pursuant to the advertisement.

Very truly yours,

William T. Hackett, Jr.
William T. Hackett, Chairman

WITH:

cc: Arthur F. and Estelle E. Gnau
Mildred Hilda Jaworski
George J. and Edith M. Seidel
Nick G. Stamstacos, et al
Arthur R. and Emma H. Gnau

Gary C. Duval, Esq.
Mr. J. E. Dyer

LAW OFFICES
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MARYLAND 21204

September 1, 1981

Mr. William T. Hackett
Chairman
County Board of Appeals
Room 219
Court House
Towson, Maryland 21204

Re: Arthur F. Gnau, et al,
Item #8

Dear Mr. Hackett:

Please be advised that I, on behalf of my clients, would like to request that the above-captioned matter be postponed and continued pending the outcome of the three cases outlined in your letter under date of August 18, 1981 in the Circuit Court for Baltimore County.

Further, please be advised that I or someone from my offices will be in attendance at the hearing scheduled before the Board on October 1, 1981 at 10:00 A.M. and will at that time request a continuance of these cases.

Your assistance and cooperation in this matter is greatly appreciated.

Sincerely,

Charles E. Brooks

CEB/jc

APR 24 1985

9-1-81 Mr. Hackett notified Brooks
office someone has to be here to request
continuance

Mr. William T. Hackett
Chairman, County Board of Appeals
Second Floor
Court House
Towson, Maryland 21204

Re: Item No. 8, Cycle No. 1
Petitioner - Arthur F. Gnau, et al.
Reclassification Petition
Case No. R-82-68
Board of Appeals
Hearing Date: October 1, 1981 at 10:00 a.m.

Dear Mr. Hackett:

Please be advised that I have been scheduled to appear in the Circuit Court for Baltimore County on October 1, 1981 in the case of Nelco Corporation v. RFW, Inc. at the same time as the above-captioned matter.

Please consider this letter as a request for a postponement of the above-captioned matter.

Thank you for your continued cooperation regarding the above matter.

Sincerely,

Charles E. Brooks
Charles E. Brooks
RECEIVED
BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
SEP 31 3 39 PM '81

CEB/gdc

cc: Mr. Arthur F. Gnau

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

October 5, 1981

Charles E. Brooks, Esquire
610 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Re-classification
E/s Loch Raven Blvd., 244' & 1037' N of
centerline of Sayward Road
Case #R-82-68 Item #8
Arthur F. Gnau, et ux - Petitioners

Dear Mr. Brooks:

This is to advise that \$51.31 is due for the 2nd full page add of the cycle 1 billing. You have already been billed for the 1st full page add as well as for the individual posting and advertising of this property. All bills must be paid before an order is issued. This is your final bill.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland, 21204, as soon as possible.

Very truly yours,

William E. Hammond
Zoning Commissioner

WEH:klr

OCT 7 1981

BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD

October 8, 1981

County Board of Appeals
Room 200
Court House
Towson, Md. 21204

Dear Sir,

Please advise me when the Zoning Case R-8268 will be continued.

Property owner is Arthur F. Gnau et al.

Thank you,

John R. Meadowcroft
Mr. John R. Meadowcroft
1644 E. Belvedere Ave.
Baltimore, MD 21239

RECEIVED
BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
OCT 9 1981

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

March 26, 1982

NOTICE OF ASSIGNMENT
(CONTINUED HEARING)

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. R-82-68 ARTHUR F. GNAU, et al
E/s of Loch Raven Blvd., 244' and 1037' N of
center line of Sayward Road
9th District

Reclassification from D.R. 5.5 to R.O., and
from D.R. 5.5 to B.L.-CCC

ASSIGNED FOR: TUESDAY, MAY 25, 1982, at 10 a.m.

cc: Charles E. Brooks, Esq. Counsel for petitioners

Arthur F. & Estelle Gnau Petitioners
Mildred Jaworski "
Geo. Sr. and Edith Seidel "
Nick Stamatacos, et al "
Arthur R. & Emma Gnau "
Gary C. Duvall, Esq. People's Counsel
N. E. Gerber "
J. Hoswell "
W. Hammond "
J. Dyer "
Bd. of Education "
Wm. J. Lowman "
Howard Rohde "
G. Kenneth Holmes "

June Holmen, Secy.

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

Charles E. Brooks, Esquire
610 Bosley Avenue
Towson, Maryland

RE: Petition for Re-classification & Redistricting
E/s Loch Raven Blvd., 244' & 1037' N of center-
line of Sayward Road
Arthur F. Gnau, et ux - Petitioners
Case #R-82-68

Dear Mr. Brooks:

This is to advise you that \$117.75 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:klr

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 102693
DATE 12/28/81 ACCOUNT 01-662
AMOUNT \$246.21
RECEIVED FROM: C. E. B. Properties, Inc.
FOR: 1st & 2nd full page Add + Individual Posting & Advertising of Case #R-82-68 (Gnau)
24621.00
VALIDATION OR SIGNATURE OF CASHIER

RECEIVED
BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
DEC 29 3 23 PM '81
SEP 18 1981

TLRCC

towson - loch raven community council, inc.
p.o. box 9709 eudowood branch
towson, maryland 21204

May 14th, 1982

Mr. William E. Hammond, Commissioner
Baltimore County Department of Planning
and Zoning
County Office Building
Towson, Maryland 21204

Dear Commissioner:

At the May 14th meeting of Towson-Loch Raven Community Council the member organizations unanimously voted to support the decision of Old Hillendale Improvement Association to oppose the rezoning of the property located on the east side of Loch Raven Boulevard between Sayward Road and the Crown Station.

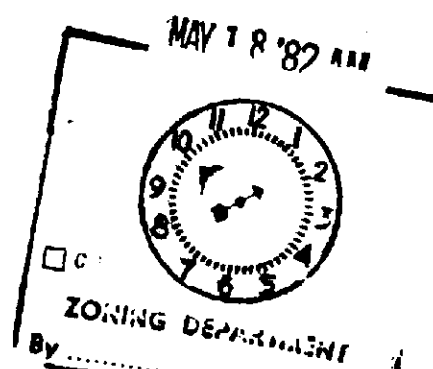
We further agreed to lend our support to this community in any and all future problems arising from the above proposal.

Yours very truly,

John R. Meadowcroft
John R. Meadowcroft
President

JRM/dvl

cc: Mr. James Petry, President
Old Hillendale Improvement Association



BREEZEVIEW, CAMPUS HILLS, CROWWELL VALLEY, FELLOWSHIP FOREST, GLENDALE-GLENMONT, GREENBRIAR, HILLENDALE, HILLENDALE PARK, KNETTSHALL, LOCH RAVEN HEIGHTS, LOCH RAVEN VILLAGE, NORTHBROOK, OLD HILLENDALE, PELHAM WOOD, RIDGELEIGH, TOWSON ESTATES

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

June 30, 1981

Charles E. Brooks, Esquire
610 Bosley Avenue
Towson, Maryland 21204

RE: Item No. 8 - Cycle No. 1
Petitioner - Arthur F. Gnau, et al
Reclassification Petition

Dear Mr. Brooks:

This is to advise you that \$77.15 is due for the first advertising of the above property. Two additional bills will be forwarded to you in the near future. All bills must be paid before an order is issued.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:mch

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
September 3, 1982

NOTICE OF ASSIGNMENT
(CONTINUED HEARING)

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. R-82-68 ARTHUR F. GNAU, et al
E/s of Loch Raven Blvd., 244' and 1037' N of center line of Sayward Road
9th District
Reclassification from D.R. 5.5 to R.O., and from D.R. 5.5 to B.L.-CCC

ASSIGNED FOR: WEDNESDAY, OCT. 20, 1982, at 10 a.m.

cc: Charles E. Brooks, Esq. Counsel for petitioners

Arthur F. & Estelle Gnau Petitioners
Mildred Jaworski "
Geo. Sr. and Edith Seidel "
Nick Stamatacos, et al "
Arthur R. & Emma Gnau "
Gary C. Duvall, Esq. People's Counsel
N. Gerber "
J. Hoswell "
W. Hammond "
J. Dyer "
Bd. of Education "
Wm. J. Lowman "
Howard H. Rohde "
G. Kenneth Holmes "
John R. Meadowcroft "
Ms. Marion K. Yeaple "

June Holmen, Secretary

APR 24 1985

January 27, 1982

Mr. William T. Hackett, Chairman
County Board of Appeals
Court House
Towson, Maryland 21204

Re: Item Number 8, Cycle #1
Petition - Arthur F. Gnaul, Et Al
Reclassification Petition
Case #R-82-68
Board of Appeals

Dear Mr. Hackett:

This letter is sent to you for the purposes of confirming our telephone conversation of January 25, 1982, in reference to the above. It is especially requested that the above captioned matter be placed back on an active docket and scheduled for hearing at the board's earliest possible convenience.

Your kind cooperation in reference to the above would be greatly appreciated.

Sincerely yours,

Charles E. Brooks

CEB:ss

cc: Mr. Arthur F. Gnaul
Arthur F. Gnaul and Sons, Inc.

RECEIVED
BALTIMORE COUNTY
FEB 1 1 05 PM '82
COUNTY CLERK'S
BY:

494-3180

County Board of Appeals
Room 219 Court House
TOWSON, MARYLAND 21204

Dec. 7, 1982

NOTICE OF POSTPONEMENT and REASSIGNMENT
(CONTINUED HEARING)

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. R-82-68 ARTHUR F. GNAUL, et al
E/s of Loch Raven Blvd., 244' and 1037'
N of center line of Sayward Road
9th District
Reclassification from D.R. 5.5 to R.O.,
and from D.R. 5.5 to B.L.-CCC

The above case scheduled for hearing on Tuesday, December 28, 1982, at 10 a.m.

has been POSTPONED by the Board at the request of Protestants, and

REASSIGNED FOR: TUESDAY, FEBRUARY 8, 1983, at 10 a.m.

cc: Charles E. Brooks, Esq. Counsel for Petitioners
Arthur F. & Estelle Gnaul Petitioners
Mildred Jaworski
Geo. & Edith Seidel
Nick Stamatacos, et al
Arthur & Emma Gnaul
Gary C. Duvall, Esq. People's Counsel 821-4565

N. Gerber
J. Howell
W. Hammond
J. Dyer
Bd. of Education
Wm. J. Lowman
Howard H. Rohde
G. Kenneth Holmes
John Meadowcroft
Ms. Marion Yeaple

June Holmen, Secy.

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204
March 11, 1982

Charles E. Brooks, Esquire
610 Bosley Avenue
Towson, Md. 21204

Re: Case No. R-82-68
Arthur F. Gnaul, et al

Dear Mr. Brooks:

On August 18, 1981, we notified you that there were pending in the Circuit Court three cases that could possibly have serious impact on the petition for rezoning in the above entitled case which was pending before the Board of Appeals.

At that time it appeared that we could get a final judgment on these three cases in a matter of months. Since then the request for settlement of these cases by Summary Judgment has been denied, and there appears to be no movement toward a full trial or any final judgment.

In view of these developments, the Board wishes to advise you that we will entertain your request for rescheduling of this case if you so desire.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman

WTH:ce

cc: Arthur F. and Estelle E. Gnaul
Mildred Hilda Jaworski
George J., Sr. and Edith M. Seidel
Nick G. Stamatacos, et al
Arthur R. and Emma H. Gnaul

Old Hillendale Improvement Assn., Inc.
c/o Howard H. Rohde, Secretary
1100 Spworth Court,
Baltimore, Md. 21234

November 20, 1982

Mr. William T. Hackett
County Board of Appeals
Room 219 Court House
Towson, Maryland 21204

Subject: Case No. R-82-68 - Arthur F. Gnaul, et al. Set for 12/28/82

Dear Mr. Hackett:

Please refer to Notice of Postponement and Reassignment dated October 14, 1982 in the subject case signed by June Holman, Secy. If summary serves me correctly, this is the third postponement in this case.

Our organization met on Wednesday, November 17, 1982 and we found that all of the people who represent us will be out of town on this date because of the holidays.

We are therefore asking that this case be again postponed and that we be informed when it will be continued. Please forward this information to the undersigned at the above address.

Thanking you in advance, I am

Yours very truly,

H. H. Rohde
Howard H. Rohde, Secretary

cc: Mr. Brooks
Date 12/28

CHARLES E. BROOKS
JOHN M. KENNEY

LAW OFFICES
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
290-1200

March 15, 1982

Mr. William T. Hackett
Chairman
County Board of Appeals
Room 219
Court House
Towson, Maryland 21204

Re: Case No. R-82-68
Arthur F. Gnaul, et al

Dear Mr. Hackett:

I would very much appreciate the scheduling of a hearing on the above-captioned matter.

Sincerely,

Charles E. Brooks
Charles E. Brooks

CEB/jc
cc: Mr. Arthur F. Gnaul

RECEIVED
BALTIMORE COUNTY
MAR 22 10 20 AM '82
COUNTY CLERK'S
BY:

Set for hearing on
Tues 5/25 - 10 am

LAW OFFICES
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
290-1200

February 4, 1983

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204

RE: Case No. R-82-68
Arthur F. Gnaul, et al
E/s of Loch Raven Boulevard,
244' and 1037'
N. of center line of Sayward Road
9th District
Trial Date: February 8, 1983 @ 10:00 A.M.

Gentlemen:

Please be advised that I am requesting a postponement in the above-captioned matter due to the fact that I have been ordered by my doctor, Dr. Myrton Gaines, to Greater Baltimore Medical Center at 1:00 p.m. on Monday, February 7, 1983, and I will be an in-patient at the hospital until at least Thursday, February 10, 1983.

I apologize for the lateness of this requested postponement, but I was unaware until Thursday, February 3, 1983, that I would be going into the hospital.

I would request that this matter be rescheduled at the Board's convenience.

Please be advised that I have contacted the offices of the Board's Counsel, and advised them that I am requesting a postponement.

Respectfully yours,

Charles E. Brooks
Charles E. Brooks

2/4/83 - Left message with office
that I was going to be postponed
in open hearing and to call me.
First thing on Monday morning.
I notified the Board of Appeals in the meantime.
I notified the Board of Appeals, Mr. Meadowcroft, people.
Could not find Holmes in phone book.
2/7/83 - Postponed in open hearing - Mr. Brooks in hospital
ETC

494-3180

County Board of Appeals

Room 219 Court House
TOWSON, MARYLAND 21204
October 14, 1982

NOTICE OF POSTPONEMENT and REASSIGNMENT
(CONTINUED HEARING)

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. R-82-68

ARTHUR F. GNAUL, et al

E/s of Loch Raven Blvd., 244' and 1037'
N of center line of Sayward Road

9th District

Reclassification from D.R. 5.5 to R.O.,
and from D.R. 5.5 to B.L.-CCC

The above case scheduled for hearing on Wednesday, Oct. 20, 1982, at 10 a.m., has been POSTPONED by the Board at the request of counsel for the petitioners, and

REASSIGNED FOR: TUESDAY, DECEMBER 28, 1982, at 10 a.m.

cc: Charles E. Brooks, Esq. Counsel for Petitioners
Arthur F. & Estelle Gnaul Petitioners
Mildred Jaworski
Geo. Sr. & Edith Seidel
Nick Stamatacos, et al
Arthur R. & Emma Gnaul
Gary C. Duvall, Esq. People's Counsel

N. Gerber
J. Howell
W. Hammond
J. Dyer

Bd. of Education
Wm. J. Lowman
Howard H. Rohde
G. Kenneth Holmes
John R. Meadowcroft

Charles E. Brooks, Esquire
610 Bosley Avenue
Towson, Maryland 21204

August 31, 1981

NOTICE OF HEARING

RE: Petition for Re-Classification & Redistricting
E/s of Loch Raven Blvd., 244' & 1037' N of
center line of Sayward Road
Arthur F. Gnaul, et al - Petitioners
Case #R-82-68

TIME: 10:00 A.M.

DATE: Thursday, October 1, 1981

PLACE: Room 218, Courthouse, Towson, Maryland

John M. Kenney

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

APR 24 1985

3/25/82 - Following have been notified of hearing (cont'd hear.) set for Tues., May 25, 1982 at 10 a.m.:

Charles Brooks, Esq.
Arthur & Estelle Gnaul
M. Jaworski
Geo. Sr. and Edith Seidel
Nick Stamatacos, et al
Arthur and Emma Gnaul
Gary Duvall, Esq.
J. Gerber
J. Howell
W. Hammond
J. Dyer
Bd. of Ed.
Wm. Lowman
Howard Rohde
Kenneth Holmes

*Continued in open hearing
Mr. Brooks in Gnaul's
to be continued in normal
course of scheduling, perhaps
Sept or Oct*

9/3/82 - Above notified of hearing set for Wed. Oct. 20, 1982, at 10 a.m.

10/14/82 - Above notified of POSTPONEMENT and REASSIGNMENT for Tues., Dec. 28, 1982, at 10 a.m.

12/7/82 - Above notified of POSTPONEMENT and REASSIGNMENT for TUESDAY, FEB. 8, 1983 at 10 a.m.

3/14/83 - Above notified of hearing scheduled for WEDNESDAY, JUNE 1, 1983 at 10 a.m.

Arthur F. Gnaul, et al
Case No. R-82-68

Mr. Howard Rohde, whose property abuts the Gnaul property from the rear, expressed his opposition to a zoning change.

The Board must consider and will quote the R.O. Legislation, Sec. 203.2, "Statement of Legislative Policy".

203.2 - Statement of Legislative Policy. The R-O zoning classification is established, pursuant to the findings stated above, to accommodate houses converted to office buildings and some small Class B office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic, or other, similar factors, can no longer reasonably be restricted solely to uses allowable in moderate-density residential zones. It is intended that buildings and uses in R-O zones shall be highly compatible with the present or prospective uses of nearby residential property. It is not the R-O classification's purpose to accommodate a substantial part of the demand for office space, it being the intent of these Zoning Regulations that office-space demand should be met primarily in C.T. districts, C.C.C. districts, and, to a lesser extent, in other commercial areas. (Bill No. 13-80)

The R-O zoning classification is established pursuant to the findings stated above, to accommodate houses converted to office buildings and some small Class B office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic, or other similar factors, can no longer reasonably be restricted solely to uses allowable in moderate-density residential zones.

The Board is of the opinion that to downshift the portion of the Gnaul property from B.L. to D.R. 5.5 and to retain D.R. 5.5 zoning on the other properties was in fact an error by the County Council. Because of the seven lane boulevard with its intersection at Goucher Boulevard and the commercialism to the north, these properties are no longer conducive to strictly residential living. The R.O. zone would create a buffer between the B.L. zone where the McDonald's Restaurant is to be located and the residential properties to the east and south.

Further, as the R.O. Legislation clearly states, these dwellings would be converted to offices subject to all the requirements of the R.O. zone. A special exception would be required before any additions to or the razing of these buildings could be considered.

494-3180

County Board of Appeals

Room 218, Court House
Towson, Maryland 21204
March 14, 1983

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING. DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. R-82-68
(Item #8 - Cycle I)

ARTHUR F. GNAUL, ET AL
E/S of Loch Raven Blvd. 180' N. of Sayward Road
9th District

Reclassification from D.R. 5.5 to R-O and B.L.-CCC

ASSIGNED FOR:

WEDNESDAY, JUNE 1, 1983 at 10 a.m.

cc: Charles E. Brooks, Esq.	Counsel for Petitioners
Arthur F. and Estelle E. Gnaul	Petitioners
Mildred Hilda Jaworski	"
George J., Sr. and Edith M. Seidel	"
Nick G. Stamatacos, et al	"
Arthur R. and Emma H. Gnaul	"
William J. Lowman	Protestant
Howard H. Rohde	"
G. Kenneth Holmes	"
John G. Meadowcroft, President Towson-Loch Raven Comm. Council	
Ms. Marion K. Yeaple	
Gary C. Duvall, Esq.	People's Counsel
W. E. Hammond	
J. E. Dyer	
N. E. Gerber	
J. G. Howell	
Board of Education	

Edith T. Eisenhart, Adm. Secretary

Arthur F. Gnaul, et al
Case No. R-82-68

For all these reasons, it is the opinion of this Board that the D.R. 5.5 zoning under present conditions is in fact an error and that the petition proposing the changes from D.R. 5.5 to R.O. and D.R. 5.5 to B.L.-CCC should be granted and will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 18th day of August, 1983, by the County Board of Appeals, ORDERED that the petition for reclassification from D.R. 5.5 to R.O. on 5.95 acres and from D.R. 5.5 to B.L.-CCC on .46 acres be and the same is GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Leroy B. Spurrer
Leroy B. Spurrer

Patricia Phipps
Patricia Phipps

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204
August 18, 1983

Charles E. Brooks, Esquire
610 Bosley Avenue
Towson, Maryland 21204

Re: Case No. R-82-68
Arthur F. Gnaul, et al

Dear Mr. Brooks:

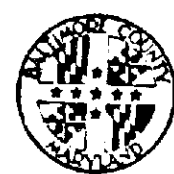
Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.

cc: Arthur F. and Estelle E. Gnaul
Mildred Hilda Jaworski
George J., Sr. and Edith M. Seidel
Nick G. Stamatacos, et al
Arthur R. and Emma H. Gnaul
William J. Lowman
Howard H. Rohde
G. Kenneth Holmes
John R. Meadowcroft
Ms. Marion K. Yeaple
Gary C. Duvall, Esquire
N. E. Gerber
J. G. Howell
J. E. Dyer
A. E. Jablon
Arlene January



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

September 9, 1983

Mr. Howard H. Rohde, Secretary-Treasurer
Old Hillendale Improvement Assn., Inc.
1100 Epworth Court
Baltimore, Maryland 21234

Re: Case No. R-82-68
Arthur F. Gnaul, et al

Dear Mr. Rohde:

Replying to your letter of September 1, 1983, please be advised that an appeal from an Order of the County Board of Appeals is filed in the Circuit Court for Baltimore County with a copy to this office. Also, a Petition to Accompany an Order for Appeal must be filed within ten days after an appeal is taken stating the reasons for the appeal.

This office will bill you for certified copies of the papers contained in the file which must accompany the transcript and exhibits when the case is filed in the court. This must be done within thirty days after an appeal is taken. The cost of these certified copies is \$1.00 each and the total amount is according to the size of the file.

We have checked with the Court Reporter, Carol Beresh, and she advises that the transcript of testimony in the Gnaul case would run between \$300/\$350. This transcript is required if an appeal is taken to the Circuit Court, but it is your responsibility to place the order for same with the Court Reporter and payment for same is directly to her. This office does not enter into this transaction. Mrs. Beresh may be reached at this office or at her home - 679-2844.

In addition, for your information, after the case is filed with the Clerk of the Court there are certain requirements that must be followed, including the filing of a Memorandum. The Clerk's office can inform you as to what is required.

Also, please be advised that neither the Zoning Office nor the Board of Appeals maintains a mailing list to advise anyone of pending zoning petitions as it would be impossible to keep everyone

IN THE MATTER OF THE APPLICATION OF ARTHUR F. GNAUL, ET AL, FOR RECLASSIFICATION FROM D.R. 5.5 to R.O., and from D.R. 5.5 to B.L.-CCC on properties located on the east side of Loch Raven Blvd., 180' north of Sayward Road 9th District

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

No. R-82-68

OPINION

This case comes before this Board on a petition for a reclassification from D.R. 5.5 to R.O. on 5.95 acres and D.R. 5.5 to B.L.-CCC on .46 acres. The subject property is located on the east side of Loch Raven Boulevard, 180 feet north of Sayward Road in 9th Election District.

Two of the property owners testified as to the many changes in the area since they originally purchased their homes; one in 1950 and the other in 1967. They explained how the widening of Loch Raven Boulevard and the construction of the Goucher Boulevard exit onto Loch Raven Boulevard has adversely impacted their properties.

Mr. Charles Gnaul, whose mother owns the largest of the subject properties and whose brother owns another, explained to the Board that a McDonald's Restaurant is to be developed adjacent to the site where a restaurant, The Hansom House, was originally located. He testified that his mother's property was zoned B.L. in 1971 and B.L. in 1976, but downshifted to D.R. 5.5 in 1980.

A real estate expert, Mr. Frederick Klaus, explained to the Board in detail, the history of the development of the area. The properties consist of five well kept, individual stone homes on large lots, which front directly on Loch Raven Boulevard, south of the heavily commercialized intersection of Loch Raven Boulevard at Taylor Avenue. Loch Raven Boulevard has been extensively improved and widened directly in front of their properties. Lengthy testimony and many exhibits were used to describe the area and its unique situation.

Testimony by Mr. James Howell, a County Planner, indicated that the properties were an issue on the 1980 Comprehensive Zoning Maps and they are in, he feels, an appropriate zone.

Page 2

Mr. Howard H. Rohde

advised of such petitions. The law requires that these requests for changes be advertised in two County newspapers and that the properties involved be posted with this information. Therefore, our only suggestion can be for interested parties to watch for these ads and posting signs for future zoning requests.

We trust this is the information you requested and if you are in need of any additional help please do not hesitate to call this office.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman

cc: Barbara Bachur, Chairperson
Baltimore County Council

IN THE MATTER OF
THE APPLICATION OF
ARTHUR F. GNAU, et al,
FOR RECLASSIFICATION FROM
D.R. 5.5 to R.O., and from
D.R. 5.5 to B.L.-CCC
on properties located on the
east side of Loch Raven Blvd.,
180' north of Sayward Road
9th District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. R-82-68
15/354/13-M-319

ORDER OF APPEAL

MR. CLERK:
Please note an appeal on behalf of the People's Counsel
of Baltimore County from the Decision and Order of the County
Board of Appeals of Baltimore County dated August 18, 1983 to
the Circuit Court for Baltimore County.

Gary C. Duvall
Gary C. Duvall
MILES & STOCKBRIDGE
401 Washington Avenue
Towson, Maryland 21204
(301) 821-6565
Special People's Counsel

CERTIFICATION

I HEREBY CERTIFY that on the 14th day of September,
1983, a copy of the foregoing Order of Appeal was hand delivered
to Mrs. Edith v. Eisenhart, Administrative Secretary, County
Board of Appeals of Baltimore County, Court House, Towson, Mary-
land 21204 in compliance with Maryland Rule of Procedure B2(c)

Gary C. Duvall
Gary C. Duvall

Rec'd 9-14-83
10:13 am

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
September 16, 1983

Charles E. Brooks, Esq.
610 Bosley Ave.
Towson, Md. 21204

Dear Mr. Brooks:
Re: Case No. R-82-68
Arthur F. Gnaul, et al

Notice is hereby given, in accordance with the Rules
of Procedure of the Court of Appeals of Maryland, that an appeal has
been taken to the Circuit Court for Baltimore County from the decision
of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

June Holman
June Holman, Secretary

Encl.
cc: Arthur and Estelle Gnaul
Mildred Jaworski
Geo. Sr. and Edith Seidel
Nick Stamatacos, et al
Arthur R. and Emma Gnaul
W. J. Lowman
H. H. Rohde
G. K. Holmes
John R. Meadowcroft
Marion Yeaple

N. E. Gerber
J. Howell
A. Jablon
J. E. Dyer
Ed. of Education

Ed

BUREAU OF ENGINEERING - BALTIMORE COUNTY MD

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of September,
1983, a copy of the foregoing Order of Appeal was mailed to
Charles E. Brooks, Esquire, 610 Bosley Avenue, Towson, Maryland
21204; Mr. William J. Lowman, 1102 Epworth Court, Baltimore,
Maryland 22134; Mr. Howard H. Rohde, 1100 Epworth Court, Balti-
more, Maryland 21234; Mr. G. Kenneth Holmes, 1644 E. Belvedere
Avenue, Baltimore, Maryland 21239; Mr. John R. Meadowcroft,
President of Towson-Loch Raven Community Counsel, Inc., P. O.
Box 9709, Eudowood Branch, Towson, Maryland 21204; and, to Ms.
Marion K. Yeaple, 619 Hillen Road, Towson, Maryland 21204.

Gary C. Duvall
Gary C. Duvall

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
September 16, 1983

Gary C. Duvall, Esq.
People's Counsel
Suite 701, 401 Washington Ave.
Towson, Md. 21204

Dear Mr. Duvall:
Re: Case No. R-82-68
Arthur F. Gnaul, et al

In accordance with Rule B-7 (a) of the Rules of Procedure of
the Court of Appeals of Maryland, the County Board of Appeals is required
to submit the record of proceedings of the zoning appeal which you have
taken to the Circuit Court for Baltimore County in the above matter within
thirty days.

The cost of the transcript of the record must be paid by you.
Certified copies of any other documents necessary for the completion of
the record must also be at your expense.

The cost of the transcript, plus any other documents, must be
paid in time to transmit the same to the Circuit Court not later than thirty
days from the date of any petition you might file in court, in accordance
with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice
covering the cost of certified copies of necessary documents.

Very truly yours,

June Holman
June Holman, Secretary

Encls.
Ed

IN THE MATTER OF
THE APPLICATION OF
ARTHUR F. GNAU, et al,
FOR RECLASSIFICATION FROM
D.R. 5.5 to R.O., and from
D.R. 5.5 to B.L.-CCC
on properties located on the
east side of Loch Raven Blvd.,
180' north of Sayward Road
9th District

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Doc. No. 15
Folio No. 354
File No. 83-M-319

Zoning File No. R-82-68

CERTIFICATE OF NOTICE

Mr. Clerk:
Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Proce-
dure, William T. Hackett, Leroy B. Spurrier, and Patricia Phipps, constituting the County
Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal
to the representative of every party to the proceeding before it, namely, Charles E.
Brooks, Esq., 610 Bosley Ave., Towson, Md. 21204, Counsel for Petitioners; Arthur F. and
Estelle E. Gnaul, 6801 Loch Raven Blvd., Towson, Md. 21204, Petitioners; Mildred H.
Jaworski, 6707 Loc. Raven Blvd., Balto., Md. 21239, Petitioner; George J., Sr., and
Edith M. Seidel, 6709 Loch Raven Blvd., Balto., Md. 21239, Petitioners; Nick G.
Stamatacos, et al, 6711 Loch Raven Blvd., Baltimore, Md. 21239, Petitioners; Arthur R.
and Emma H. Gnaul, 6713 Loch Raven Blvd., Balto., Md. 21239, Petitioners; Gary C.
Duvall, Esq., Suite 701, 401 Washington Ave., Towson, Md. 21204, People's Counsel;
William Lowman, 1102 Epworth Ct., Baltimore, Md. 21234, Protestant; Howard H.
Rohde, 1100 Epworth Ct., Balto., Md. 21234, Protestant; G. Kenneth Holmes, 1644 E.
Belvedere Ave., Balto., Md. 21239; John R. Meadowcroft, President, Towson-Loch Raven
Comm. Council, Inc., P.O. Box 9709 Eudowood Branch, Towson, Md. 21204; and
Marion K. Yeaple, 619 Hillen Rd., Towson, Md. 21204, a copy of which Notice is attached
hereto and prayed that it may be made a part thereof.

June Holman
June Holman, County Board of Appeals
Rm. 200, Court House, Towson, Md. 21204
494-3180

Old Hillendale Improvement Assn. Inc.
c/o Howard H. Rohde
1100 Epworth Court
Baltimore, Md. 21234

September 1, 1983

Mr. William T. Hackett, Chairman
County Board of Appeals,
Room 219, Court House
Baltimore, Maryland 21204

Re: Case No. R-82-68 - Arthur F. Gnaul, et al.

Dear Mr. Hackett:

Thank you for the copy of the Opinion and Order in the
subject matter which grants the zoning change requested
from D. R. 5.5 to R. O.

While our plans are not certain at this time, should we
decide to appeal, we are certain that we would have to
engage an attorney, that we would need a transcript
among other things. Can you inform us to what court
the appeal would be made and the cost of a copy of the
transcript. ✓ 300-350

We are also certain that eventually if these properties
are sold and converted to offices, that exceptions will
be requested for change to the buildings or grounds. We
will want to be made aware of requests for exceptions and
ask that you see that we are placed on a mailing list to
accomplish this.

I thank you in advance for your attention to this matter
and hope to hear from you promptly.

Yours very truly,

Howard H. Rohde
Howard H. Rohde, Sec'y./Treas.

cc: Barbara Bachur, Chairperson
Baltimore County Council

Rec'd 9/15/83

ARTHUR F. GNAU, et al
Case No. R-82-68

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice
has been mailed to Charles E. Brooks, Esq., 610 Bosley Ave., Towson, Md. 21204,
Counsel for Petitioners; Arthur F. and Estelle E. Gnaul, 6801 Loch Raven Blvd., Towson,
Md. 21204, Petitioners; Mildred H. Jaworski, 6707 Loch Raven Blvd., Balto., Md. 21239,
Petitioner; George J., Sr., and Edith M. Seidel, 6709 Loch Raven Blvd., Balto., Md.
21239, Petitioners; Nick G. Stamatacos, et al, 6711 Loch Raven Blvd., Balto., Md.
21239, Petitioners; Arthur R. and Emma H. Gnaul, 6713 Loch Raven Blvd., Balto., Md.
21239, Petitioners; Gary C. Duvall, Esq., Suite 701, 401 Washington Ave., Towson, Md.
21204, People's Counsel; William Lowman, 1102 Epworth Ct., Balto., Md. 21234,
Protestant; Howard H. Rohde, 1100 Epworth Ct., Balto., Md. 21234, Protestant;
G. Kenneth Holmes, 1644 E. Belvedere Ave., Balto., Md. 21239; John R. Meadowcroft,
President, Towson-Loch Raven Comm. Council, Inc., P.O. Box 9709 Eudowood Branch,
Towson, Md. 21204; and Marion K. Yeaple, 619 Hillen Rd., Towson, Md. 21204, on this
16th day of September, 1983.

June Holman
June Holman
County Board of Appeals of Baltimore County

IN THE MATTER OF
THE APPLICATION OF
ARTHUR F. GNAU, et al.,
RECLASSIFICATION FROM
D.R. 5.5 to R.O., and from
D.R. 5.5 to B.L.-CCC
on properties located on the
east side of Loch Raven Blvd.,
180' north of Sayward Road
9th District

BEFORE
COUNTY BOARD OF APPEALS FOR
OF
BALTIMORE COUNTY

Docket: 15
Folio: 354
Case: 83-M-319

PETITION ON APPEAL

Gary C. Duvall, Special People's Counsel for Baltimore
County, pursuant to Maryland Rule of Procedure B2(e) files in the
within proceeding their Petition setting forth the following
actions appealed from, the errors committed by the County Board of
Appeals of Baltimore County and the relief sought as follows:

1. This proceeding is an appeal from the Order of the
County Board of Appeals of Baltimore County reclassifying the
property of Arthur F. and Estelle E. Gnaul, Mildred Hilda Jaworski,
George J. and Edith M. Seidel, Mr. and Mrs. Arthur R. Gnaul, and
Mr. and Mrs. Nicholas Stamatacos from D.R. 5.5 zoning to R.O. and
B.L.-CCC pursuant to the Board's Order of August 18, 1983.

2. An Order of Appeal was filed by the People's Counsel
of Baltimore County on September 14, 1983.

3. That the County Board of Appeals of Baltimore County
was in error in rendering its Order of August 18, 1983 in that:

a. There was no legally sufficient evidence of any
error in the adoption of the 1980 Comprehensive Zoning Map by the
Planning Board, County Council for Baltimore County, or the County
Executive with respect to the subject properties;

b. There was no legally sufficient evidence of any
confiscatory taking of the subject properties due to the

Rec'd 9-22-83
1 PM

APR 24 1985

downshift in zoning of the same;

c. There was no legally sufficient evidence before the County Board of Appeals that the establishment of an R.O. zone for the subject properties would create a buffer zone or that the buffer zone theory was a legal criteria upon which the County Board of Appeals could base its Opinion and subject Order;

d. There was no legally sufficient evidence of any substantial change in the neighborhood surrounding the subject properties to warrant a finding of error in the adoption of the 1980 Comprehensive Zoning Map with respect to the subject properties;

e. That the subject properties were specific issues before the Planning Board and the County Council prior to the adoption of the 1980 Comprehensive Zoning Map. That the County Council, upon a review of the matter, visited the subject properties and agreed with the Board's recommendation to downshift the subject properties;

f. There was no legally sufficient evidence that a reclassification of the subject properties was warranted;

g. There was no legally sufficient evidence that the last classification prior to the adoption of the 1980 Comprehensive Zoning Map was in error;

h. There was no legally sufficient evidence to show that there was no reasonable use for the subject properties within the D.R. 5.5 zoning classification;

i. There was no legally sufficient evidence that there were any existing facts which the County Council or the Planning Board failed to take into consideration before zoning the subject properties;

j. There was no legally sufficient evidence of

IN THE MATTER OF
THE APPLICATION OF
ARTHUR F. GNAU, et al.,
FOR RECLASSIFICATION FROM
D.R. 5.5 to R.O., and from
D.R. 5.5 to B.L.-CCC
on properties located on the
east side of Loch Raven Blvd.,
180' north of Sayward Road
9th District

ORDER

Upon consideration of the Petition for Extension of Time to File Transcript and it appearing to the Court that sufficient cause is shown for granting the same, it is this ____ day of _____, 1983, by the Circuit Court for Baltimore County.

ORDERED that the record in the within proceedings be transmitted to the Circuit Court for Baltimore County on or before November 28, 1983.

JUDGE

any facts which existed after adoption of the 1980 Comprehensive Zoning Map which the County Council could not have considered at the time of the adoption of the 1980 Comprehensive Zoning Map.

WHEREFORE, the People's Counsel of Baltimore County petitions this Court to reverse the Order of the County Board of Appeals of Baltimore County dated August 18, 1983;

AND, for such other and further relief as the nature of the Petitioner's cause may require.

Gary C. Duvall
Gary C. Duvall
MILES & STOCKBRIDGE
401 Washington Avenue
Towson, Maryland 21204
(301) 821-6565

Special People's Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20 day of September, 1983, a copy of the foregoing Petition on Appeal was mailed to Charles E. Brooks, Esquire, 610 Bosley Avenue, Towson, Maryland 21204, Counsel for Petitioners; Mrs. Edith T. Eisenhart, Administrative Secretary, County Board of Appeals of Baltimore County, Court House, Towson, Maryland 21204; Mr. William J. Lowman, 1102 Epworth Court, Baltimore, Maryland 21234; Mr. Howard H. Rohde, 1100 Epworth Court, Baltimore, Maryland 21234; Mr. G. Kenneth Holmes, 1644 E. Belvedere Avenue, Baltimore, Maryland 21239; Mr. John R. Meadowcroft, President of Towson-Loch Raven Community Counsel, Inc., P.O. Box 9709, Dudowood Branch, Towson, Maryland 21204; and to Ms. Marion K. Yeaple, 619 Hillen Road, Towson, Maryland 21204.

Gary C. Duvall
Gary C. Duvall

IN THE MATTER OF
THE APPLICATION OF
ARTHUR F. GNAU, et al.,
RECLASSIFICATION FROM
D.R. 5.5 to R.O., and from
D.R. 5.5 to B.L.-CCC
on properties located on the
east side of Loch Raven Blvd.,
180' north of Sayward Road
9th District

BEFORE
COUNTY BOARD OF APPEALS FOR
OF
BALTIMORE COUNTY
15/354/83-M-319

PETITION FOR EXTENSION OF TIME
TO FILE TRANSCRIPT

Gary C. Duvall, Special People's Counsel of Baltimore County, petitions this Court pursuant to Maryland Rule of Procedure B7(b) for an extension of time within which to transmit the record in the within proceedings and for reasons says as follows:

1. That your Petitioner has been informed by Mrs. Carol Beresh, stenographer for the County Board of Appeals of Baltimore County, that an additional forty-five (45) days will be necessary beyond the normal thirty (30) days provided by the Rules of Court within which to transcribe and transmit the record in the within proceedings.

2. That no prejudice will inure to the Respondents by such delay in the filing of the record in this case.

WHEREFORE, the People's Counsel of Baltimore County petitions this Court for an Order extending the time within which to transmit the record in the within proceedings until November 28, 1983.

Gary C. Duvall
Gary C. Duvall
MILES & STOCKBRIDGE
401 Washington Avenue
Towson, Maryland 21204
(301) 821-6565
Special People's Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21 day of September, 1983, a copy of the foregoing Petition for Extension of Time to File Transcript was mailed to Charles E. Brooks, Esquire, 610 Bosley Avenue, Towson, Maryland 21204, Counsel for Petitioners; Mrs. Edith T. Eisenhart, Administrative Secretary, County Board of Appeals of Baltimore County, Court House, Towson, Maryland 21204; Mr. William J. Lowman, 1102 Epworth Court, Baltimore, Maryland 21234; Mr. Howard H. Rohde, 1100 Epworth Court, Baltimore, Maryland 21234; Mr. G. Kenneth Holmes, 1644 E. Belvedere Avenue, Baltimore, Maryland 21239; Mr. John R. Meadowcroft, President of Towson-Loch Raven Community Counsel, Inc., P.O. Box 9709, Dudowood Branch, Towson, Maryland 21204; and to Ms. Marion K. Yeaple, 619 Hillen Road, Towson, Maryland 21204.

Gary C. Duvall
Gary C. Duvall

People's Counsel of Balto. Co.

In the matter of the application of Arthur F. Gnaul, et al.
IN THE CIRCUIT COURT

Vs.
County Board of Appeals of Baltimore County

FOR
BALTIMORE COUNTY
Docket 15 Folio 354
Case No. 83-M-319

NOTICE OF FILING OF RECORD

TO: Gary C. Duvall Charles E. Brooks, Esq. June Holmen
Miles & Stockbridge 610 Bosley Ave. Ed. of Appeals of
401 Washington Ave. Towson, Md. 21204 Balto. Co.
Towson, Md. 21204 Mail Stop 2205

In accordance with Maryland Rule of Procedure 812, you are notified that the record in the above entitled case was filed on Nov. 2, 1983

Elmer H. Farkley
Clerk

FILED NOV - 2 1983

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland, 21204-0754
February 8, 1984.

TO: Gary C. Duvall, Esq.
Charles E. Brooks, Esq.
County Board of Appeals of Balto. Co.

RE: NEW JURY - 83 M 319 - PEOPLE'S COUNSEL OF BALTO CO. ARTHUR F. GNAU ET AL VS
COUNTY BOARD OF APPEALS OF BALTO CO.
HEARING DATE: Thursday, April 5, 1984, @ 9:30 a.m.
ON THE FOLLOWING: Appeals 1 hour

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.
POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE. A copy of all counsel involved. POSTPONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments - Joyce Grimm - 484-6467.
SETTLEMENT CONFERENCES: All counsel must secure the attendance of all parties necessary to effect a binding settlement, including clients and insurance representatives. THERE WILL BE NO EXCEPTIONS PER ORDER OF JUDGE FRANK E. CUONE. Please direct all inquiries to the attention of Jodi Adams.
SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland, 21204-0754
November 15, 1983.

TO: Gary C. Duvall, Esq.
Charles E. Brooks, Esq.
County Board of Appeals of Balto. Co.
Thomas J. Bollinger, Esq.

RE: NEW JURY - 83 M 319 - ARTHUR F. GNAU ET AL VS COUNTY BOARD OF APPEALS OF BALTO. CO.
HEARING DATE: Thursday, February 2, 1984, @ 9:30 a.m.
ON THE FOLLOWING: Appeals 1 hour

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.
POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE. A copy of all counsel involved. POSTPONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments - Joyce Grimm - 484-6467.
SETTLEMENT CONFERENCES: All counsel must secure the attendance of all parties necessary to effect a binding settlement, including clients and insurance representatives. THERE WILL BE NO EXCEPTIONS PER ORDER OF JUDGE FRANK E. CUONE. Please direct all inquiries to the attention of Jodi Adams.
SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

IN THE MATTER OF
THE APPLICATION OF
ARTHUR F. GNAU, et al.,
RECLASSIFICATION FROM
D.R. 5.5 to R.O., and from
D.R. 5.5 to B.L.-CCC
on properties located on the
east side of Loch Raven Blvd.,
180' North of Sayward Road
9th District

* * * * *

Zoning File No. R-82-68

* * * * *

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Doc. No. 15
Folio No. 354
File No. 83-M-319

ANSWER TO PETITION ON APPEAL

Now come Arthur F. and Estelle E. Gnau, Mildred Hilda Jaworski, George J. and Edith M. Seidel, Mr. and Mrs. Arthur R. Gnau, and Mr. and Mrs. Nicholas Stamstacos, Appellees herein, by Charles E. Brooks, their attorney, and for answer to the Petition on Appeal heretofore filed in the above-captioned matter, say:

1. That they admit the allegations contained in paragraph 1 thereof.
2. That they admit the allegations contained in paragraph 2 thereof.
3. That they deny the allegations contained in paragraph 3.a. thereof. That they deny the allegations contained in paragraph 3.b. thereof. That they deny the allegations contained in paragraph 3.c. thereof. That they deny the allegations contained in paragraph 3.d. thereof. That they neither admit nor deny the allegations contained in paragraph 3.e. thereof, and demand strict proof thereof. That they deny the allegations contained in paragraph 3.f. thereof. That they deny the allegations contained in paragraph 3.g. thereof. That they deny the allegations contained in paragraph 3.h. thereof. That they deny the allegations contained in paragraph 3.i. thereof. That they deny the allegations contained in paragraph 3.j. thereof.
4. That in further answer to the Petition filed on

behalf of the Appellants, the Appellees assert that the County Board of Appeals of Baltimore County appropriately determined that the County Council was clearly in error when it voted the property D.R. 5.5. The Opinion of the Board contains numerous facts which clearly support their determination. A copy of said Opinion is attached hereto and made a part hereof and indicated as Exhibit 1. The Board found that the testimony offered by the Petitioners/Appellees, as well as their experts, clearly demonstrated that the property should have been zoned R.O. and B.L.-CCC with the adoption of the Comprehensive Zoning Map in 1980.

WHEREFORE, Appellees request that this Court dismiss the Order of Appeal filed by the Special People's Counsel for Baltimore County;

AND, for such other and further relief as the nature of their cause may require.

Charles E. Brooks
CHARLES E. BROOKS
Law Offices of Charles E. Brooks
610 Bosley Avenue
Towson, Maryland 21204
Telephone: 301-296-2600
Attorney for Appellees

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14 day of October, 1983, a copy of the foregoing Answer to Petition on Appeal was mailed to Gary C. Duvall, Esquire, Miles & Stockbridge, 401 Washington Avenue, Towson, Maryland 21204, Special People's Counsel; and to Mrs. Edith T. Eisenhart, Administrative Secretary, County Board of Appeals of Baltimore County, Court House, Towson, Maryland 21204.

CHARLES E. BROOKS

-2-

MANDATE - Court of Special Appeals of Maryland

No. 733, September Term, 1984

ARTHUR F. GNAU et al
1/14/85: Order dismissing appeal
2/13/85: Appeal dismissed. Mandate issued.

PEOPLE'S COUNSEL OF
BALTIMORE COUNTY

STATEMENT OF COSTS:

In Circuit Court: for Baltimore County

Record 30.00
Stenographer's Costs 50.00

In Court of Special Appeals:

Filing Record on Appeal 30.00
Printing Brief for Appellant 62.40
Reply Brief
Portion of Record Extract - Appellant .969.60
Printing Brief for Cross-Appellee

Printing Brief for Appellee 86.40
Portion of Record Extract - Appellee
Printing Brief for Cross-Appellant

STATE OF MARYLAND, Set:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals.

In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this Thirteenth day of February A.D. 1985.

James C. Fitch
Clerk of the Court of Special Appeals of Maryland.

Costs shown on this Mandate are to be settled between counsel and NOT THROUGH THIS OFFICE.

IN THE MATTER OF
THE APPLICATION OF
ARTHUR F. GNAU, ET AL.,
FOR RECLASSIFICATION FROM
D.R. 5.5 to R.O., and from
D.R. 5.5 to B.L.-CCC
on properties located on the
east side of Loch Raven Blvd.,
180' North of Sayward Road
9th District

RESORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. R-82-68

OPINION

This case comes before this Board on petition for a reclassification from D.R. 5.5 to R.O. on 5.95 acres and D.R. 5.5 to B.L.-CCC on .46 acres. The subject property is located on the east side of Loch Raven Boulevard, 180 feet north of Sayward Road in the 9th Election District.

Two of the property owners testified as to the many changes in the area since they originally purchased their homes; one in 1950 and the other in 1967. They explained how the widening of Loch Raven Boulevard and the construction of the Goucher Boulevard exit onto Loch Raven Boulevard has adversely impacted their properties.

Mr. Charles Gnau, whose mother owns the largest of the subject properties and whose brother owns another, explained to the Board that a McDonald's Restaurant is to be developed adjacent to the site where a restaurant, The Hansom House, was originally located. He testified that his mother's property was zoned B.L. in 1971 and B.L. in 1976, but downshifted to D.R. 5.5 in 1980.

A real estate expert, Mr. Frederick Klaus, explained to the Board in detail, the history of the development of the area. The properties consist of five well kept, individual stone homes on large lots, which front directly on Loch Raven Boulevard, south of the heavily commercialized intersection of Loch Raven Boulevard at Taylor Avenue. Loch Raven Boulevard has been extensively improved and widened directly in front of their properties. Lengthy testimony and many exhibits were used to describe the area and its unique situation.

Testimony by Mr. James Hoswell, a County Planner, indicated that the properties were an issue on the 1980 Comprehensive Zoning Maps and they are in, he feels, an appropriate zone.

EXHIBIT 1

Arthur F. Gnau, et al
v.
People's Counsel of
Baltimore County

IN THE
COURT OF SPECIAL APPEALS
OF MARYLAND
No. 733, September Term, 1984

R-82-68

ORDER

This case coming on for hearing and the parties being agreed that the matter is now moot, it is this 14 day of January, 1985, ORDERED, that the case be, and is hereby, dismissed.

Robert M. Bell
Robert M. Bell, Judge

Theodore G. Bloom
Theodore G. Bloom, Judge

Robert M. Bell
Robert M. Bell, Judge

RECEIVED
COUNTY BOARD OF APPEALS
JAN 18 A 00 06

Arthur F. Gnau, et al
Case No. R-82-68

Mr. Howard Rohde, whose property abuts the Gnau property, from the rear, expressed his opposition to a zoning change.

The Board must consider and will quote the R.O. Legislation, Sec. 203.2, "Statement of Legislative Policy".

"203.2 - Statement of Legislative Policy. The R-O zoning classification is established, pursuant to the findings stated above, to accommodate houses converted to office buildings and some small Class B office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic, or other, similar factors, can no longer reasonably be restricted solely to uses allowable in moderate-density residential zones. It is intended that buildings and uses in R-O zones shall be highly compatible with the present or prospective uses of nearby residential property. It is not the R-O classification's purpose to accommodate a substantial part of the demand for office space, it being the intent of these Zoning Regulations that office-space demand should be met primarily in C.T. districts, C.C.C. districts, and, to a lesser extent, in other commercial areas." (Bill No. 13-80)

The R-O zoning classification is established pursuant to the findings stated above, to accommodate houses converted to office buildings and some small Class B office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic, or other similar factors, can no longer reasonably be restricted solely to uses allowable in moderate-density residential zones.

The Board is of the opinion that to downshift the portion of the Gnau property from B.L. to D.R. 5.5 and to retain D.R. 5.5 zoning on the other properties was in fact an error by the County Council. Because of the seven lane boulevard with its intersection at Goucher Boulevard and the commercialism to the north, these properties are no longer conducive to strictly residential living. The R.O. zone would create a buffer between the B.L. zone where the McDonald's Restaurant is to be located and the residential properties to the east and south.

Further, as the R.O. Legislation clearly states, these dwellings would be converted to offices subject to all the requirements of the R.O. zone. A special exception would be required before any additions to or the razing of these buildings could be considered.

ARTHUR F. GNAU, ET AL
E/S Loch Raven Blvd., 180'
N. Sayward Road
9th District

Item #8
R-82-68

Reclassification from D.R. 5.5 to R.O., and 5.95 acres
from D.R. 5.5 to B.L.-CCC (5 properties) 0.46 acres

March 2, 1981 Petitions filed
Oct. 1, 1981 Hearing held on petitions
June 1, 1983 Continued hearing on petitions
Aug. 18, 1983 Order of the Board granting the reclassification
Sept. 14, 1983 Order for Appeal filed in Cir. Ct. for Balto. Cty. by Gary C. Duvall, Esq., Special People's Counsel
Sept. 16, " Certificate of Notice sent out
Nov. 2, " Re. cord of proceedings filed in the Circuit Ct. For Balto. County
May 2, 1984 Board REVERSED (Judge E. A. DeWaters)
5/4/84 - cc: A. Jablon
A. January
J. Hoswell
28 Order for Appeal filed in the Court of Special Appeals by Charles E. Brooks, Esq. Counsel for Petitioners
5/31/84 - cc: A. Jablon
A. January
J. Hoswell
Jan. 14, 1985 DISMISSED by Court of Special Appeals (Moot)
1/21/85 - cc: A. Jablon
E. Hennegan
J. Hoswell

Feb. 13 MANDATE ISSUED - Appeal dismissed.
A. Jablon
A. January
J. Hoswell

PEOPLE'S COUNSEL OF BALTIMORE COUNTY *
IN THE MATTER OF THE APPLICATION OF * IN THE CIRCUIT COURT
ARTHUR F. GNAU, et al, * FOR
FOR RECLASSIFICATION FROM * BALTIMORE COUNTY
D.R. 5.5. to R.O., and from * Misc. Law No. 83-M-319
D.R. 5.5. to B.L. - CCC on properties *
located on the east side of Loch Raven *
Blvd. 180' north of Sayward Rd. 9th Dist. *
VS. * # R-82-68
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY *

OPINION

This is an appeal from a hearing before the County Board of Appeals of Baltimore County wherein a petition for a reclassification of property from D.R. 5.5. to R.O. on 5.95 acres and D.R. 5.5. to B.L. - CCC on .46 acres was granted. The appellant is the People's Counsel of Baltimore County and the appellees, petitioners below, are Arthur F. & Estelle E. Gnau, Mildred Hilda Jaworski, George J. & Edith M. Seidel, Nick G. Stamoatocos and Arthur P. & Emma H. Gnau (petitioners).

The County Board of Appeals of Baltimore County (Board) in granting the petition relied upon mistake or error. Pattey v. Board of County Commissioners for Worcester County, 271 Md. 352, 317 A.2d 142 held that there is a strong presumption of correctness of original zoning and of comprehensive rezoning, and that strong evidence of error is required to overcome that presumption. The Baltimore County Counsel had placed the property here involved on the 1980 zoning maps as D.R. 5.5 property downgrading the said property from commercial zoning.

The law regarding mistake or error as those terms are used in zoning law is discussed in Howard County v. Dorsey, 292 Md. 351, 438 A.2d 1339 and Boyce v. Sembly, 25 Md. App. 43, 328 A.2d 137 which states as follows:

"A perusal of cases, particularly those in which a finding of error was upheld, indicates that the presumption of validity accorded to a comprehensive zoning is overcome and error or mistake is established when there is probative evidence to show that the assumptions or premises relied upon by the Council at the time of the comprehensive rezoning were invalid. Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the

future, so that the Council's action was premised initially on a misapprehension. Bonnie View Club v. Glass, 242 Md. 46, 52-53, 217 A.2d 647, 651(1966); Jobar Corp. v. Rodgers Forge Community Ass'n., 236 Md. 106, 112, 116-18, 121-22, 202 A.2d 612, 615, 617-18, 620-21 (1964); Overton v. County Commissioners, 225 Md. 212, 216-17, 170 A.2d 172, 174-76 (1961); see Rohde v. County Board of Appeals, 235 Md. 259, 267-68, 199 A.2d 216, 218-19(1964). Error or mistake may also be established by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect. As the Court of Appeals said in Rockville v. Stone, 271 Md. 655, 662, 319 A.2d 536, 541 (1974):

"On the question of original mistake, this Court has held that when the assumption upon which a particular use is predicated proves, with the passage of time, to be erroneous, this is sufficient to authorize a rezoning."

See Rohde, supra, at 234 Md. 267-68, 199 A.2d 220-21; England v. Rockville, 230 Md. 43, 45-47, 185 A.2d 378, 379-80 (1962); Pressman v. Baltimore, 222 Md. 330, 338-39, 160 A.2d 379, 383 (1960); White v. County Board of Appeals, 219 Md. 136, 144, 148 A.2d 420, 423-24(1959); cf. Dill v. The Jobar Corp., 242 Md. 16, 20-21, 24, 217 A.2d 564, 567-68 (1966); Marcus v. Montgomery County Council, 235 Md. 535, 540-41, 201 A.2d 777, 780(1964); Offutt v. Board of Zoning Appeals, 204 Md. 551, 558, 105 A.2d 219, 221-22(1954); Wakefield v. Kraft, 202 Md. 136, 144-45, 149, 96 A.2d 27, 30(1953); Hoffman v. City of Baltimore, 197 Md. 294, 307, 79 A.2d 367, 373-74 (1951).

"It is presumed, as part of the presumption of validity accorded comprehensive zoning, that at the time of the adoption of the map the Council had before it and did, in fact, consider all of the relevant facts and circumstances then existing. Thus, in order to establish error based upon a failure to take existing facts or events reasonably foreseeable of fruition into account, it is necessary not only to show [1] the facts that existed at the time of the comprehensive zoning but also [2] which, if any, of those facts were not actually considered by the Council. This evidentiary burden can be accomplished by showing that specific physical facts were not readily visible or discernible at the time of the comprehensive zoning. Bonnie View Club, supra, at 242 Md. 48-49, 52, 217 A.2d 649, 651 (mineshaft and subsurface rock formation); by adducing testimony on the part of those preparing the plan that then existing facts were not taken into account, Overton, supra, at 225 Md. 216-17, 170 A.2d 174-75 (topography); or by producing evidence that the Council failed to make any provision to accommodate a project, trend or need which it, itself, recognized as existing at the time of the comprehensive zoning. Jobar Corp., supra, at 236 Md. 116-17, 202 A.2d 617-18 (need for apartments). See Rohde, supra, at 234 Md. 267-68, 199 A.2d 221. Because facts occurring subsequent to a comprehensive zoning were not in existence at the time, and, therefore, could not have been considered, there is no necessity to present evidence that such facts were not taken into account by the Council at the time of the comprehensive zoning. Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account,

or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not 'fairly debatable.'

"Moreover, in reviewing the evidence before the Board it must also be noted that the opinion or conclusion of an expert or lay witness is of no greater probative value than that warranted by the soundness of his underlying reasons or facts. Surkovich v. Doub, 258 Md. 263, 272, 265 A.2d 447, 451 (1970); Anderson v. Sawyer, 23 Md. App. 612, 618, 329 A.2d 716, 720. The Court of Appeals and this Court have stated that an opinion, even that of an expert, is not evidence strong or substantial enough to show error in a comprehensive rezoning unless the reasons given by the witness as the basis for his opinion, or other supporting facts relied upon by him, are themselves substantial and strong enough to do so. Stratakis, supra, at 268 Md. 655, 304 A.2d 250; Coppolino v. County Board of Appeals of Baltimore County, 23 Md. App. 358, 371-72, 328 A.2d 55, 62(1974)." (Emphasis added) (footnote omitted).

In order to prevail the petitioners had to present strong evidence that the Baltimore County Council failed to take into account existing facts, or projects or trends which were reasonably foreseeable of fruition in the future or by showing strong evidence of mistake or error by events occurring subsequent to the comprehensive zoning establishing the Council's initial premise as incorrect.

This court has reviewed the transcript and finds that the evidence presented before the Board is not sufficient to establish strong evidence on the issues set out in Howard County v. Dorsey, supra and Boyce v. Sembly, supra. Even evidence of experts is insufficient to meet the burden if the evidence is not strong or substantial enough to show error in a comprehensive rezoning. Neither Mr. Klaus nor Mr. Hoswell supplied strong evidence of failure by the Baltimore County Council to take into account existing facts, or projects or trends which were reasonably foreseeable of fruition in the future or strong evidence of events occurring subsequent to the comprehensive zoning establishing the Council's initial premise as incorrect. Certainly, the testimony of George Seidel, Sr., Nick G. Stamoatocos and Charles Gnau did not meet the burden even if combined with that of Mr. Klaus and Mr. Hoswell.

Under all the circumstances in this case the presumption of validity accorded to the comprehensive rezoning by the Baltimore County

Council was not overcome and the question of error or mistake in the comprehensive zoning of the subject property was not reasonably debatable which is the scope of review for this court. Accordingly, it was not proper for the Board to grant the reclassification on the ground of mistake or error.

Assuming that section 2-58.1(k) of the Baltimore County Code does not prevent the Board from considering change of character of the neighborhood, a point which was not addressed by the Board in its opinion, this court finds that the evidence does not support a change in the character of the neighborhood.

If the Board granted the reclassification because of a change in the neighborhood, the reclassification would be based solely on the change of a restaurant operating with a liquor license to a fast food operation without a liquor license. The record reveals that to be the only change since the adoption of the 1980 maps of any consequence. This is not sufficient to make the issue reasonably debatable.

Finally, an argument is made that the action of the County Council is confiscatory. It is clear that the owners of the property here involved have a use of the property which can be utilized thereby preventing a successful argument of confiscation.

For reasons stated above, the decision of the Board granting the reclassification of this property is reversed.

Edward A. DeWaters, Jr.
Judge

Date May 19, 1984

EAA/vc

cc: Gary C. Duvall, Esq.
Charles E. Brooks, Esq.

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